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FEDERAL REGISTER

VOLUME 7 NUMBER 166

Washington, Saturday, August 22, 1942

The President

EXECUTIVE ORDER 9225

AUTHORIZING THE SECRETARY OF WAR TO TAKE POSSESSION OF AND OPERATE THE PLANT OF THE S. A. WOODS MACHINE COMPANY AT SOUTH BOSTON, MASSACHUSETTS

By virtue of the power and authority vested in me by the Constitution and laws of the United States, as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered and directed as follows:

The Secretary of War is authorized and directed immediately to take possession of and operate the plant of the S. A. Woods Machine Company located at South Boston, Massachusetts, through and with the aid of such person or persons or instrumentality as he may designate, and, in so far as may be necessary or desirable, to produce the war materials called for by the Company's contracts with the United States, its departments and agencies, or as may be otherwise required for the war effort, and do all things necessary or incidental to that end. The Secretary of War shall employ such employees, including a competent civilian advisor on industrial relations, as are necessary to carry out the provisions of this order and the purposes of the directive order of the War Labor Board of August 1, 1942, in the matter of S. A. Woods Machine Company et al, and, in furtherance of the purposes of this order, the Secretary of War may exercise any existing contractual or other rights of said Company, or take such steps as may be necessary or desirable.

Possession and operation hereunder shall be terminated by the President as soon as he determines that the plant of the S. A. Woods Machine Company at South Boston, Massachusetts, will be privately operated in a manner consistent with the war effort.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 19, 1942, 10:40 a. m. E. W. T.

[F. R. Doc. 42-8144; Filed, August 20, 1942; 2:11 p. m.]

EXECUTIVE ORDER 9226

REGULATIONS GOVERNING THE FURNISHING OF CLOTHING IN KIND OR PAYMENT OF CASH ALLOWANCES IN LIEU THEREOF TO ENLISTED MEN OF THE NAVY, THE COAST GUARD, THE NAVAL RESERVE, AND THE COAST GUARD RESERVE

By virtue of and pursuant to the authority vested in me by section 10 of the Pay Readjustment Act of June 16, 1942 (Public Law No. 607, 77th Congress, 2nd Session), I hereby prescribe the following regulations governing the furnishing of clothing in kind, or payment of cash allowances in lieu thereof, to enlisted men of the Navy, the Coast Guard, the Naval Reserve, and the Coast Guard Reserve.

1. Enlisted men upon first enlistment, or upon reenlistment subsequent to expiration of three months from date of last discharge, shall be entitled to a cash clothing allowance of $133.81, except that men enlisted in chief petty officer rating or in the rating of officers' cook or officers' steward, or as members of the Navy, Naval Academy, or Coast Guard Academy Band shall be entitled to a cash clothing allowance of $300 on such first enlistment or such reenlistment.

2. Enlisted men advanced to chief petty officer rating or to the rating of officers' cook or officers' steward, or assigned to duty as members of the Navy, Naval Academy, or Coast Guard Academy Band, except those holding chief

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petty officer rating upon such assignment, shall be entitled to a cash clothing allowance of $250. Members of the Navy, Naval Academy, or Coast Guard Academy Band below chief petty officer rating shall not, when advanced to chief petty officer rating in their respective bands, be entitled to receive such cash clothing allowance, nor shall men in the rating of officers' cook or officers' steward, when advanced to the rating of officers' chief cook or officers' chief steward be entitled to receive such cash clothing allowances.

3. On the first day of the quarter following the anniversary date of enlistment (or reenlistment as specified in paragraph 1), date of reporting for active duty, date of appointment as chief petty officer, officers' cook, or officers' steward, or date of assignment to duty as a member of the Navy, Naval Academy, or Coast Guard Academy Band, and thereafter on the first day of each succeeding quarter while on active duty, enlisted men shall be paid a cash maintenance allowance for clothing, as follows:

(a) Enlisted men (general), $8.75.

(b) Chief petty officers, officers' cooks, officers' stewards, and members of the Navy, Naval Academy, or Coast Guard Academy Band, $18.75.

4. Retired enlisted men, members of the Naval Reserve (including the Fleet Reserve), and members of the Coast Guard Reserve, shall, upon reporting for active duty, be entitled to the cash clothing allowances prescribed in this order, except that the first quarterly payment of the cash maintenance allowance for clothing shall be paid on the first day of the quarter following the anniversary date of reporting for active duty. Retired enlisted men, and members of the Fleet Reserve on active duty on May 31, 1942, who were not granted a clothing outfit upon reporting for their current active duty, and all other enlisted men on active duty on June 30, 1942, who were not granted a clothing outfit during the fiscal year 1942, shall be entitled to the cash maintenance allowance for clothing provided in paragraph 3 beginning July 1, 1942. Enlisted men of the regular Navy and enlisted men of the Fleet Reserve on active duty on May 31, 1942, who may later be transferred to the Fleet Reserve or to the retired list and retained on active duty, shall continue to receive the cash allowances for clothing applicable to them prior to such transfer, or the cash allowances for clothing applicable in the event they are promoted to chief petty officer rating or to the ratings of officers' cook or officers' steward, or assigned duty as members of the Navy, Naval Academy, or Coast Guard Academy Band. The provisions of this paragraph shall not apply to temporary members of the Coast Guard Reserve on part time or intermittent active duty.

5. Members of the Naval Reserve undergoing flight training leading to a commission shall be entitled only to an issue of clothing in kind not to exceed $80 in value. Members of the Naval Reserve undergoing training, other than flight training, leading to a commission shall be entitled to an issue of clothing in kind not to exceed $15 in value, and in addition, may be temporarily issued government owned clothing not to exceed $120 in value. Temporary members of the Coast Guard Reserve on part time or intermittent active duty may be issued clothing in kind in an amount not to exceed the allowances prescribed in paragraph 1. These allowances in kind are in lieu of any cash clothing allowances.

6. Members of the Insular Force and the Samoan Native Guard and band shall be entitled to the cash clothing allowances prescribed herein, except that when not required to wear blue clothing the cash clothing allowances shall be one-half the rates prescribed herein.

7. The provisions of this order shall be effective from June 1, 1942, to June 30, 1943, except that enlisted men, other than chief petty officers, officers' cooks, officers' stewards, and members of the Navy, Naval Academy, or Coast Guard Academy Band, enlisting or reporting for active duty between June 1, 1942, and June 30, 1942, inclusive, shall be entitled to a cash clothing allowance of $118.95 in lieu of the cash clothing allowance of $133.81 as authorized in paragraph 1 of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 19, 1942.

[F. R. Doc. 42-8145; Filed August 20, 1942; 2:11 p. m.]

EXECUTIVE ORDER 9227

AMENDMENT OF EXECUTIVE ORDER NO. 4314 OF SEPTEMBER 25, 1925, ESTABLISHING RULES GOVERNING THE NAVIGATION OF THE PANAMA CANAL AND ADJACENT WATERS

By virtue of and pursuant to the authority vested in me by section 9 of title 2 of the Canal Zone Code, approved June 19, 1934, Executive Order No. 4314 of September 25, 1925, as amended, establishing rules governing the navigation of the Panama Canal and adjacent waters, is hereby further amended as shown below:

1. Rule 30 in Chapter IV of the said Executive order is amended to read as follows:

"Rule 30. *Status and function of pilot.* The pilot assigned to a vessel shall have control of the navigation and movement of such vessel."

2. Chapter VII of the said Executive order, consisting of Rules 89 to 101 thereof, is amended, in accordance with the provisions of section 10 of title 2 of the Canal Zone Code, as amended by section 1 of the act of June 13, 1940, c. 358, 54 Stat. 387, to read as follows:

"CHAPTER VII—ACCIDENTS AND CLAIMS

"Rule 89. *Injuries to vessels, etc., by reason of passage through locks.* The Governor of The Panama Canal shall promptly adjust and pay damages for injuries to vessels, or to the cargo, crew, or passengers of vessels, which may arise by reason of the passage of such vessels through the locks of the canal under the control of officers or employees of The Panama Canal: *Provided, however,* that no such damages shall be paid in any case wherein the Governor shall find that the injury was proximately caused by the negligence or fault of the vessel, master, crew, or passengers: *Provided further,* that in any case wherein the Governor shall find that the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, he shall diminish the award of damages in proportion to the negligence or fault, as determined by him, attributable to the said vessel, master, crew, or passengers: *And provided further,* that damages shall not be allowed and paid for injuries to any protrusion beyond the side of a vessel, whether such protrusion is permanent or temporary in character. The amounts of the respective awards of damages under this Rule may be adjusted, fixed, and determined by the Governor by mutual agreement, compromise, or otherwise, and such amounts shall be payable promptly out of any moneys appropriated or allotted for the maintenance and operation of the Panama Canal; and acceptance by any claimant of the amount awarded to him shall be deemed to be in full settlement of such claim against the Government of the United States.

"Rule 90. *When vessel deemed passing through locks.* For the purposes of Rule 89, a vessel shall be considered to be passing through the locks of the canal, under the control of officers or employees of The Panama Canal, from the time the first towing line is made fast on board before entrance into the locks and until the towing lines are cast off upon, or immediately prior to, departure from the lock chamber.

"Rule 91. *Action upon claim by claimant who considers himself aggrieved.* With respect to any claim for damages for injuries arising by reason of the passage of any vessel through the locks of the canal, as provided in Rules 89 and 90, any claimant for damages who considers himself aggrieved by the findings, determination, or award of the Governor, in reference to his claim, may, as provided in section 10 of title 2 of the Canal Zone Code, as amended as aforesaid, bring an action on such claim against The Panama Canal in the United States District Court for the District of the Canal Zone; and in any such action the provisions of said section 10 of title 2, as amended, and the regulations of the President authorized under section 9 of title 2 of the Canal Zone Code, applicable to the determination, adjustment, and payment of such claims for damages, by the Governor, shall be applicable; and any judgment obtained against The Panama Canal shall be paid promptly out of any moneys appropriated or allotted for the maintenance and operation of the Panama Canal.

"Rule 92. *Injuries to vessels, etc., in Canal Zone waters other than locks.* The Governor shall promptly adjust and pay damages for injuries to vessels, or to the cargo, crew, or passengers of vessels which may arise by reason of the presence of such vessels in the waters of the Canal Zone, other than the locks, when the Governor shall find that the injury was proximately caused by negligence or fault on the part of any officer or employee of The Panama Canal acting within the scope of his employment and in the line of his duties in connection with the operation of the canal: *Provided, however,* that when the Governor shall further find that the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, he shall diminish the award of damages in proportion to the negligence or fault, as determined by him, attributable to the said vessel, master, crew, or passengers: *Provided further,* that in the case of any vessel which is required by or pursuant to regulations heretofore or hereafter prescribed under section 9 of title 2 of the Canal Zone Code to have a Panama Canal pilot on duty aboard, no damages shall be adjusted and paid for injuries to any vessel, or to the cargo, crew, or passengers of any such vessel, incurred while the vessel is under way and in motion, unless at the time such injuries are incurred the navigation or movement of the vessel is under the control of a Panama Canal pilot: *And provided further,* that the Governor shall not adjust and pay under this Rule any claim for damages for injuries in case the amount of the claim exceeds $60,000, but shall submit such claim to the Congress by a special report containing the material facts and his recommendations thereon. The amounts of the respective awards of damages under this Rule may be adjusted, fixed, and determined by the Governor by mutual agreement, compromise, or otherwise, and such amounts shall be payable promptly out of any moneys appropriated or allotted for the maintenance and operation of the Panama Canal; and acceptance by any claimant of the amount awarded to him shall be deemed to be in full settlement of such claim against the Government of the United States.

"Rule 93. *Prohibition of certain actions upon claims.* Except as otherwise provided in Rule 91, no action for damages for injuries arising in connection with the operation of the canal and by reason of the presence of a vessel in the waters of the Canal Zone shall lie in any court against the United States or The Panama Canal, or against any officer or employee of The Panama Canal: *Provided, however,* that nothing in this Rule shall be construed to prevent or prohibit actions against officers or employees of The Panama Canal for damages for injuries resulting from acts of such officers or employees outside the scope of their employment and not in line with their duties, or from acts of such officers or employees committed or performed with intent to injure the person or property of another.

"Rule 94. *Investigation of accidents involving potential claims.* Whenever, within the waters of the Canal Zone, including the locks of the canal, a vessel, or its cargo, crew, or passengers, meets with an accident or sustains any injury which may be the basis of a claim against The Panama Canal, or inflicts any injury upon any structure, plant, or equipment of The Panama Canal, the Board of Local Inspectors of The Panama Canal, or a member thereof, shall promptly conduct an investigation of such accident or injury, including all the facts and circumstances surrounding it and bearing upon its proximate causation, the nature and extent of the injury, and the amount of the damages, if any, occasioned by such injury, and shall promptly, upon the conclusion of such investigation, transmit to the Governor, for his consideration in connection with any claim which may arise, a transcript of the record of such investigation, together with its findings and conclusions respecting the accident or injury. All matters pertaining to such investigation shall be completed before the vessel concerned leaves Canal Zone waters, and no claim shall be considered unless the basis therefor has been laid before the Canal authorities prior to the vessel's sailing.

CROSS-REFERENCE

Compelling attendance and testimony of witnesses and production of books and papers before members of board, see Canal Zone Code, title 2, sections 42 and 43.

"Rule 95. *Measure of damages in determining award.* (a) *General.* In determining the amount of the award of damages for injuries to a vessel for which The Panama Canal is found or determined to be liable, there may be

included: (1) actual or estimated costs of repairs; (2) charter hire actually lost by the owners or charter hire actually paid, depending upon the terms of the charter party, for the time the vessel is undergoing repairs; (3) maintenance of the vessel and wages of the crew, if such are shown to be actual additional expenses or losses incurred outside of the charter hire; (4) other expenses which are definitely and accurately shown to have been incurred necessarily and by reason of the accident or injuries: *Provided, however,* that there shall not be allowed agent's fees or commissions or other incidental expenses of similar character, or any items which are indefinite, indeterminable, speculative, or conjectural. The Comptroller of The Panama Canal shall be furnished such vouchers, receipts, or other evidence as may be required by him in support of any item of a claim.

(b) *Where vessel not operated under charter.* If a vessel is not operated under charter but by the owner directly, evidence shall be secured, if available, as to the sum for which vessels of the same size and class can be chartered in the market. If such charter value cannot be determined, the value of the use of such vessel to its owner in the business in which it was engaged at the time of the injuries shall be used as a basis for estimating the damage for the vessel's detention; and the books of the owner showing the vessel's earnings about the time of the accident or injuries shall be considered as evidence of probable earnings during the time of detention. If the books are unavailable, such other evidence shall be furnished as may be required by the Comptroller of The Panama Canal.

"Rule 96. *Delays for which no responsibility assumed.* The Panama Canal shall not be responsible, nor consider any claim, for demurrage or delays occasioned by landslides or other natural causes, by necessary construction or maintenance work on canal locks, terminals, or equipment, by obstructions arising from accidents, by time necessary for admeasurement, by congestion of traffic, or by any other cause except as may be specifically set forth in these Rules.

"Rule 97. *Handling of wrecked, injured, or burning vessels.* When a vessel in Canal Zone waters goes aground, or is wrecked, or is so injured that it is liable to become an obstruction in such waters, or is on fire, the Canal authorities shall have the right to supervise and direct, or to take complete charge of and conduct, all operations which may be necessary to float the vessel, to clear the wreckage, to remove the injured vessel to a safe location, or to extinguish the fire, as the case may be. The Canal authorities may, when necessary, take such action without awaiting the permission of the owner or agent of the vessel, and may require the master of the vessel and all persons under his supervision and control to place the vessel, and all equipment on board, at the disposal of the Canal authorities without cost to the Canal. In the event the vessel is subsequently found and determined to be responsible for the accident or the condition necessitating action by The Panama Canal, the necessary expenses incurred by the Canal in carrying out the provisions of this Rule shall be a proper charge against such vessel.

"Rule 98. *Penalty for injuring or obstructing canal.* As provided by section 821 of title 5 of the Canal Zone Code, any person who by any means or in any way injures or obstructs or attempts to injure or obstruct any part of the Panama Canal or the locks thereof or the approaches thereto, shall be punished by imprisonment in the penitentiary for not more than twenty years, or by a fine of not more than $10,000, or by both. And as provided by section 255 of title 5 of the said Code, if any act in violation of the foregoing provisions of this Rule shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly.

"Rule 99. *Liability of vessel for injury to Canal structures or equipment.* A vessel, or its owner or operator, shall be held liable for any injury to any structure, plant, or equipment of or pertaining to The Panama Canal when such injury is proximately caused by the negligence or fault of the vessel or its master or crew. No vessel shall make fast, or run any line, to any marker, buoy, beacon, or other aid to navigation; and a vessel shall so navigate as not to strike such aids in passing.

"Rule 100. *Spark and smoke hazard.* While within Canal Zone waters, vessels shall take necessary precaution to avoid the issuance of sparks or excessive smoke, and vessels shall be held liable for injuries caused by the issuance therefrom of sparks or excessive quantities of smoke.

"Rule 101. *Collection of damages from vessel owner.* In case of injury to any Canal structure, plant, or equipment occasioned by a vessel under the circumstances specified in Rules 99 and 100, the matter of damages shall be adjusted by mutual agreement when practicable between The Panama Canal and the owner, agents, or underwriters of the vessel; and in case of disagreement, the vessel or its owner or operator shall be proceeded against in the United States District Court for the District of the Canal Zone."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 19, 1942.

[F. R. Doc. 42-8146; Filed, August 20, 1942; 2:11 p. m.]

EXECUTIVE ORDER 9228

AMENDMENT OF EXECUTIVE ORDER NO. 4314 OF SEPTEMBER 25, 1925, ESTABLISHING RULES GOVERNING THE NAVIGATION OF THE PANAMA CANAL AND ADJACENT WATERS

By virtue of and pursuant to the authority vested in me by section 9 of title 2 of the Canal Zone Code, approved June 19, 1934, Executive Order No. 4314 of September 25, 1925, as amended, establishing rules governing the navigation of The Panama Canal and adjacent waters, is hereby further amended by adding, following present Rule 45 in Chapter V thereof, a new rule numbered 45a and reading as follows:

"Rule 45a. *Gangway watch on vessels at piers in wartime.* In time of war in which the United States is engaged, and during any other period when ordered by the Governor subject to the provisions of section 8 of title 2 of the Canal Zone Code, the master of a vessel lying at any wharf or pier in the Canal Zone, or his representative, shall cause to be maintained a continuous and competent gangway watch which shall check the identity of all persons going on board or attempting to go on board such vessel, or leaving or attempting to leave such vessel, shall prevent unauthorized persons from going on board such vessel, and shall, through the master of such vessel or his representative, promptly report all cases wherein unauthorized persons board or attempt to board or leave or attempt to leave such vessel. The report hereinbefore required may be made to any Canal Zone police or customs officer, or to any member of the military guard or naval shore patrol, on the wharf or pier. As used in this Rule, the term 'unauthorized persons' shall mean and include all persons other than (a) officers, members of the crew, and passengers of such vessel, and (b) persons who bear proper photographic identification and establish that they have legitimate business on board such vessel."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 19, 1942.

[F. R. Doc. 42-8147; Filed, August 20, 1942; 2:11 p. m.]

EXECUTIVE ORDER 9229

POSSESSION RELINQUISHED OF BAYONNE PLANT OF GENERAL CABLE CORPORATION

WHEREAS, by Executive Order No. 9220 dated the 13th day of August 1942,[1] the Secretary of the Navy was authorized and directed by the President to take possession of and operate the plant of General Cable Corporation located at Bayonne, New Jersey, to produce the war materials called for by the Company's contracts with the United States, its departments and agencies, or as may be otherwise required for the war effort, and to do all things necessary or desirable to that end; and

WHEREAS, on the 14th day of August 1942, the Secretary of the Navy acting pursuant to said direction took and has retained possession of said plant of General Cable Corporation; and

WHEREAS, said Executive order provides that possession and operation thereunder shall be terminated by the President as soon as he determines that said plant of General Cable Corporation

[1] 7 F.R. 6413.

will be privately operated in a manner consistent with the war effort; and

WHEREAS, it now appears, and the President does so determine, that said plant will be privately operated in a manner consistent with the war effort:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as President of the United States and as Commander in Chief of the Army and Navy of the United States, hereby direct the Secretary of the Navy to relinquish possession of said plant of General Cable Corporation and to issue the necessary orders for carrying out the aforesaid direction.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 20, 1942.

[F. R. Doc. 42-8170; Filed, August 21, 1942; 10:16 a. m.]

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter X—Areas Restricted for National Defense Purposes

[Public Proclamation No. 10]

PART 102—CONTROL OF LIGHTING WITHIN RESTRICTED ZONES

ZONE OF RESTRICTED LIGHTING; WASHINGTON, OREGON AND CALIFORNIA

Headquarters Western Defense Command and Fourth Army, Presidio of San Francisco, California

AUGUST 5, 1942.

To: The people within the States of Washington, Oregon and California, and to the Public Generally:

Whereas by Public Proclamation No. 1, dated March 2, 1942, this Headquarters, there were designated and established Military Areas Nos. 1 and 2; and

Whereas the armed forces of the enemy have made attacks upon vessels of the United States traveling along the Pacific Coastal waters and upon land installations within said Military Areas, and it is expected that such attacks will continue; and

Whereas it is necessary to provide maximum protection for war utilities, war materials and war premises located within the States of Washington, Oregon and California against enemy attacks by sea and by air;

Now, therefore, I, J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Western Defense Command, do hereby declare that:

§ 102.1 *Zone of restricted lighting; Washington, Oregon, and California.* (a) The present situation requires as a matter of military necessity that a Zone of Restricted Lighting be established within Military Areas Nos. 1 and 2, and that illumination within said Zone of Restricted Lighting be extinguished or controlled in such manner and to such extent as may be necessary to prevent such illumination from aiding the operations of the enemy.

(b) Pursuant to the determination and statement of military necessity in paragraph (a) hereof, a Zone of Restricted Lighting, as particularly described in Exhibit A hereof,[1] and as generally shown on the map made a part hereof and marked Exhibit B,[1] is hereby designated and established. Illumination within the entire area of said Zone of Restricted Lighting shall be extinguished or controlled at all times at night from sunset to sunrise as follows:

(1) *Signs, commercial floodlighting, display lighting and amusement places.* Illuminated signs and ornamental lighting of every description which are visible out-of-doors, and floodlighting which illuminates buildings or signs, including but not limited to all exterior advertising signs, billboards, display lighting, theatre marquee signs, building outline lighting, and interior signs and ornamental lighting immediately within unobscured window areas, shall be extinguished. This provision is not intended to prohibit ordinary store show-window lighting of normal intensity, except as provided for in paragraph (c) of this Proclamation.

(2) *Ground areas and industrial illumination.* Illumination of outdoor areas shall be controlled as follows:

(i) Subject to the exceptions hereinafter stated, illumination on all outdoor ground areas, including but not limited to automobile service station yards, outdoor parking areas, recreation areas, and entrances to buildings, shall not exceed one foot candle at any point, and all outdoor light sources shall be so shielded that no light is emitted upward. The foregoing sentence shall not apply to street and highway lights nor to the ground areas illuminated solely thereby, nor to the class of illumination referred to in the next subparagraph hereof.

(ii) All light sources for industrial and protective purposes, and light from industrial processes, shall be shielded or revised to as great an extent as may be practicable in order to eliminate or reduce to a minimum the amount of light which is emitted upward.

(3) *Traffic signs and signals.* All illuminated signs or signals which are authorized or maintained by governmental authority for the purpose of controlling street or highway traffic shall remain in operation, but shall be so shielded that no light is emitted upward.

(4) *Navigation lights and railroad signals.* Authorized lights to facilitate air or water navigation, and authorized railroad signal lights, are hereby excepted from all the provisions of this Proclamation.

(c) In addition to the restrictions hereinbefore imposed, illumination within that part of the Zone of Restricted Lighting which is visible from the sea, as hereinafter defined, shall be further diminished or obscured at all times at night from sunset to sunrise as follows:

(1) *Street and highway lights.* Street and highway lights in areas which are normally visible from the sea shall be so shielded that they are not visible from the sea at night and so that no light is emitted upward. It is contemplated that street and highway lights in other areas within the Zone of Restricted Lighting shall be governed and controlled by such subsequent orders or proclamations as the exigencies of military necessity may determine.

(2) *Residential, commercial and industrial windows.* No lighting shall be permitted behind windows or glazed doors visible from the sea unless they are covered by drapes or shades.

(3) *Street and highway traffic.* Within areas from which normal automobile headlamps are visible from the sea all vehicles shall be subject to the following regulations:

No vehicle shall operate during the night hours between sunset and sunrise with more than two lighted driving lamps, regardless of the direction of travel. Each such lamp shall provide a maximum of not more than 250 beam candlepower.

(4) *Industrial fires.* All light from industrial processes, and from industrial fires, such as light from refuse burners, kilns, and furnaces, which are visible from the sea, shall be so shielded that they are not visible from the sea at night, and so that no light is emitted upward.

(5) Except for the lights referred to in subparagraphs (b) (3), and (b) (4) hereof, all other lights visible from the sea are prohibited at night, including but not limited to light from fires, bonfires, parked cars, flashlights and lanterns.

(6) The phrase "visible from the sea," as used herein, is intended and shall be construed to mean and include that which is visible from the waters of the Pacific Ocean and from all the portion of the waters of the Straits of Juan de Fuca extending inland from the Pacific Ocean to a line running due north and south through the easternmost point on the easterly boundary line of the City of Port Townsend, Washington.

(d) Any person violating any of the provisions of this Proclamation, or orders issued pursuant thereto, is subject to immediate exclusion from the territory of the Western Defense Command, and to the criminal penalties provided in Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones."

(e) The Ninth Regional Civilian Defense Board is hereby designated as the primary agency to aid in the enforcement of the foregoing provisions. It is requested that the civil law enforcement agencies within the States affected by

[1] Filed as part of the original document.

this Proclamation assist the Ninth Regional Civilian Defense Board in the enforcement hereof.

(f) This Proclamation shall become effective August 20, 1942.

[SEAL] J. L. DEWITT,
Lieutenant General,
U. S. Army, Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-8148; Filed, August 20, 1942; 2:42 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 21-9, Civil Air Regulations]

PART 21—AIRLINE TRANSPORT PILOT RATING

CHANGE OF CERTAIN REFERENCES TO CONFORM TO THE NEW PART 20

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of August 1942.

Acting pursuant to sections 205 (a), 601, 602, and 604 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective September 1, 1942, Part 21 of the Civil Air Regulations is amended as follows:

1. By striking the reference "§§ 20.2 and 20.4" as it appears in § 21.221 and inserting in lieu thereof "§ 20.4".

2. By striking the reference "§ 20.65" as it appears in § 21.222[1] and inserting in lieu thereof "§ 20.8".

3. By striking the reference "§ 20.65" as it appears in § 21.43 and inserting in lieu thereof "§ 20.8".

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-8171; Filed, August 21, 1942; 10:12 a. m.]

[Amendment 24-11, Civil Air Regulations]

PART 24—MECHANIC CERTIFICATES

MECHANIC CERTIFICATES—REPEAL OF OBSOLETE SECTION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of August, 1942.

Acting pursuant to sections 205(a), 601 and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective August 12, 1942, Part 24 of the Civil Air Regulations is amended as follows:

1. By striking § 24.37 and inserting in lieu thereof the following: "§ 24.37 Unassigned."

2. By striking from the table of contents "§ 24.37 Special issuance of certificate or rating" and inserting in lieu thereof "§ 24.37 Unassigned."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-8165; Filed, August 21, 1942; 10:12 a. m.]

[Amendment 27-9, Civil Air Regulations]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

DISPATCHER RECENT EXPERIENCE REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of August 1942.

Acting pursuant to sections 205 (a), 601, and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective August 12, 1942, Part 27 of the Civil Air Regulations is amended as follows:

By amending § 27.23 as follows:

1. By striking the colon after the word "has" as it appears in the first paragraph of § 27.23 and in lieu thereof insert "either:".

2. By inserting the word "or" between paragraphs (a) and (b).

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-8166; Filed, August 21, 1942; 10:13 a. m.]

[Amendment 61-36, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

CHANGE OF CERTAIN REFERENCES TO CONFORM TO AMENDMENTS TO PART 61

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of August 1942.

Acting pursuant to sections 205 (a), 601, 602 and 604 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective August 12, 1942, Part 61 of the Civil Air Regulations is amended as follows:

1. By striking the reference "§ 61.71090 through § 61.71093" as it appears in § 61.7300 and inserting in lieu thereof "§ 61.7109 through § 61.71092".

2. By striking the reference "§ 61.-71094" as it appears in the proviso of § 61.7300 and inserting in lieu thereof "§ 61.71091 (b)".

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc 42-8167; Filed, August 21, 1942; 10:13 a. m.]

[Amendment 61-37, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

CHANGE OF CERTAIN REFERENCES TO CONFORM TO THE NEW PART 20

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of August 1942.

Acting pursuant to sections 205 (a), 601, 602, and 604 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective September 1, 1942, Part 61 of the Civil Air Regulations is amended as follows:

By striking the reference "§ 20.21" as it appears in § 61.512 and inserting in lieu thereof "§ 20.44".

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-8168; Filed, August 21, 1942; 10:13 a. m.]

[Amendment 61-38, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

REPEAL OF SECTION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 17th day of August 1942.

Acting pursuant to sections 205 (a), 601, and 604 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective August 17, 1942, Part 61 of the Civil Air Regulations is amended as follows:

By striking § 61.519 in its entirety and inserting in lieu thereof "61.519 (Unassigned)."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-8169; Filed, August 21, 1942; 10:13 a. m.]

[Regulations, Serial No. 237]

OPERATION OF MULTI-ENGINED LAND AIRCRAFT BETWEEN OAKLAND AND SAN FRANCISCO

Regulation amending Special Regulation Serial No. 192.[1]

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 15th day of August 1942.

It appearing that:

The provisions of §§ 61.3220 and 61.3230 of the Civil Air Regulations forbidding the operation of multi-engine land aircraft over water beyond a gliding distance from shore without the aid of power unless equipped with certain equipment for over-water flying causes scheduled air carrier aircraft to fly between Oakland Municipal Airport, Oak-

[1] 6 F.R. 2872.

[1] 6 F.R. 5084.

land, California, and San Francisco Municipal Airport, San Francisco, California, at altitudes frequently requiring unnecessary instrument operation;

The Board finds that:

Its action is in the public interest and in the interest of safety of air transportation;

Now, therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, makes and promulgates the following regulation, effective immediately.

Notwithstanding the provisions of §§ 61.3220 and 61.3230, scheduled air carriers in air transportation may operate multi-engine land aircraft on a direct route between Oakland Municipal Airport, Oakland, California, and San Francisco Municipal Airport, San Francisco, California, over the San Francisco Bay at a distance beyond gliding distance (power off) from shore when such operation is authorized by the Administrator.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 42-8172; Filed, August 21, 1942; 10:14 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4249]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

STYLE & MEAT BUYING SERVICE

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the purchase of furs, fur garments, or other commodities in commerce, receiving or accepting directly or indirectly anything of value as brokerage, commission or other compensation or any allowance or discount in lieu thereof from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondents' own account, or (b) when such purchases are made as agent or buying representative of the purchaser, or (c) when in making such purchases respondents are acting in fact for or in behalf, or are subject to the direct or indirect control, of the purchaser; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., sec. 13 (c)) [Cease and desist order, Style & Merit Buying Service, Docket 4249, August 17, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of August, A. D. 1942.

In the Matter of Lewis Block, Frank Block, Mac Goldberg, Otto Langer, Morris Block, and Dora Block, Copartners, Doing Business Under the Firm Name Style & Merit Buying Service.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondents Lewis Block, Frank Block, Mac Goldberg, Otto Langer, Morris Block, and Dora Block, copartners, doing business under the firm name Style & Merit Buying Service, individually and as copartners, which answer admits all of the material allegations of the complaint to be true and waives all other intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion herein that said respondents, Lewis Block, Frank Block, Mac Goldberg, Otto Langer, Morris Block, and Dora Block, copartners, doing business under the firm name Style & Merit Buying Service, individually and as copartners, have violated the provisions of "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" approved October 15, 1914 (the Clayton Act), as amended by an Act of Congress approved June 19, 1936 (the Robinson-Patman Act) (U.S.C. Title 15, sec. 13);

It is ordered, That the respondents, Lewis Block, Frank Block, Mac Goldberg, Otto Langer, Morris Block, and Dora Block, copartners, doing business under the firm name Style & Merit Buying Service, individually and as copartners, or under any other name, jointly or severally, their agents, employees and representatives, directly or through any corporate or other device, in or in connection with the purchasing of furs, fur garments or other commodities in commerce, as commerce is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Receiving or accepting directly or indirectly anything of value as brokerage, commission or other compensation or any allowance or discount in lieu thereof from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondents' own account, or (b) when such purchases are made as agent or buying representative of the purchaser, or (c) when in making such purchases respondents are acting in fact for or in behalf, or are subject to the direct or indirect control, of the purchaser.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-8175; Filed, August 21, 1942; 11:39 a. m.]

[Docket No. 4662]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

THE N-A COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's medicinal preparation designated variously as "N-A No. 7", "Vicine", "Nature's Aid", and "N-A", or other similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's medicinal preparation, which advertisements represent, directly or through inference, that respondent's medicinal preparation is a powerful germicide or a powerful antiseptic, or is other than a mild astringent and a mild antiseptic; that it is unequalled in stopping bleeding or will arrest venous or arterial hemorrhages; that it is a cure for athlete's foot or eczema, or that it has any value in the treatment of such diseases or conditions other than to give relief from the itching and irritation thereof; that it is a splendid iron tonic; that its use will prevent lockjaw or blood poisoning; that it is an effective treatment for indigestion, sour stomach, ptomaine poisoning, rheumatism, or kidney disorders; or that it has any substantial therapeutic value as an internal medicine for the treatment of any disease or condition of the body; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The N-A Company, Docket 4662, August 14, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of August, A. D. 1942.

In the Matter of Pat V. James, an Individual, Trading as The N-A Company.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered That the respondent, Pat V. James, individually and trading as The N-A Company, or trading under any other name, his agents, servants, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondent's medicinal preparation now designated variously by the names "N-A No. 7", "Vicine", "Nature's Aid" and "N-A", or any other preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under those names or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement

represents, directly or through inference: That said medicinal preparation is a powerful germicide or a powerful antiseptic, or is other than a mild astringent and a mild antiseptic; that it is unequalled in stopping bleeding or will arrest venous or arterial hemorrhages; that it is a cure for athlete's foot or eczema, or that it has any value in the treatment of such diseases or conditions other than to give relieve from the itching and irritation thereof; that it is a splendid iron tonic; that its use will prevent lockjaw or blood poisoning; that it is an effective treatment for indigestion, sour stomach, ptomaine poisoning, rheumatism, or kidney disorders; or that it has any substantial therapeutic value as an internal medicine for the treatment of any disease or condition of the body.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said medicinal preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-8176; Filed, August 21, 1942; 11:39 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC-27]

PART 27—CANNED FRUIT: DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY AND FILL OF CONTAINERS

CANNED FRUIT COCKTAIL

Corrections

The second undesignated paragraph of Finding 34, appearing in the third column of page 6459 of the issue for Tuesday, August 18, 1942, should read as follows:

Upon the basis of the foregoing detailed findings of fact, it is found that the promulgation of the following regulation fixing and establishing a standard of quality for canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, and specifying the manner and form of a label statement of substandard quality, will promote honesty and fair dealing in the interest of consumers; and that it gives consideration to and makes due allowance for the differing characteristics of the several varieties of the fruits present in canned fruit cocktail.

A line is missing in subparagraph (2) § 27.041 (a), appearing in the first column of page 6460. Subparagraph (2) should read as follows:

(2) Not more than 10 percent of the grapes in a container containing ten grapes or more, and not more than one grape in a container containing less than ten grapes, is cracked to the extent of being severed into two parts or is crushed to the extent that their normal shape is destroyed.

Subparagraph (7) of § 27.041 (a), appearing in the first column of page 6460, should read as follows:

(7) If the cherry ingredient is artificially colored, the color of not more than 15 percent of the units thereof in a container containing more than six units, and of not more than one unit in a container containing six units or less, is other than evenly distributed in the unit or other than uniform with the color of the other units of the cherry ingredient.

In the last sentence of the first undesignated paragraph of Finding 7, appearing in the third column of page 6460, the word "are" should read "is".

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1579]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R-II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: August 15, 1942.

[SEAL] E. BOYKIN HARTLEY, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2488	Aloe, William	Rider #2 (s)	Pittsburgh	7	Boggs Station, Pa.	Montour	72	L	L	J	J	J	J	K	K	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2489	Aloe, William	Rider #3 (s)	Pittsburgh	7	Boggs Station, Pa.	Montour	72	L	L	J	J	J	J	K	K	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2486	Byrne & O'Laughlin (M. E. O'Laughlin).	Moorewood (s)	Pittsburgh	3	Nixon Siding, Alverton, Pa.	PRR	31	(†)	(†)	(†)	(†)	(†)	B	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2492	Byrne & O'Laughlin (M. E. O'Laughlin).	Moorewood (d)	Pittsburgh	3	Nixon Siding, Alverton, Pa.	PRR	31	(†)	(†)	(†)	(†)	(†)	B	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
979	Eberly Coal & Coke Co., (O. Eberly).	Oliver #2 (d)	Pittsburgh	3	Oliver #2 Works, Pa.	B&O, PRR	114	E	E	C	C	B	B	B	B	B	(†)	A	A	A	C	C	C
2505	Gallardi Coal & Coke Company, (Phillip Gallardi).	Crawford #8 (d)	Pittsburgh	3	York Run, Pa.	B&O, PRR	114	(†)	(†)	(†)	(†)	(†)	D	E	E	E	(†)	(†)	(†)	(†)	E	E	E
975	Gilmore Coke Co., (Guy B. Gilmore).	Gilmore (d)	Pittsburgh	3	Gilmore Works, Pa.	B&O, PRR	114	(†)	(†)	(†)	(†)	(†)	D	E	E	E	(†)	(†)	(†)	(†)	E	E	E
2484	Lucidi, G. (Clairton Building & Construction Co.).	Lucidi (s)	Pittsburgh	7	Peters Creek, Pa.	PRR	74	(†)	C	C	C	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2504	Penowa Coal Company	Armide #3 (s)	Pittsburgh	7	Burgettstown, Pa.	PRR	74	L	L	J	J	J	J	K	K	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2487	Seanor Coal Company, (W. H. Seanor).	Alcorn	Pittsburgh	9	Slickville, Pa.	PRR	90	F	F	F	F	G	F	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2482	Sholtis, George	Sholtis (s)	Sewickley	3	Shaw Mine Siding, Pa.	PRR	114	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2491	Smiley Coal Company, (J. R. Smiley).	Smiley (d)	Sewickley	3	Shaw Mine Siding, Pa.	PRR	114	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classification or prices effective in this size group.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 2: 2464, 2488, 2489, 2504. Group No. 6: 975, 979, 2486, 2492, 2505. Group No. 8: 2482, 2491. Group No. 21: 2487.

TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Tierney, Paul J	2483	Tierney	Pittsburgh	310	300	290	265	235	235	225	245	205	195	185
FAYETTE COUNTY														
Eberly Coal & Coke Co., (O. Eberly).	979	Oliver #2 (d)	Pittsburgh	310	300	290	270	250	240	235	240	210	200	185
Filiaggi Brothers (James Filiaggi)	2484	Filiaggi	Pittsburgh	290	280	270	250	220	220	215	220	205	200	175
Galiardi Coal & Coke Company (Phillip Galiardi)	2505	Crawford #8 (d)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Old Home Fuel Co	2497	Old Home #2	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Oslander, Bertha Mrs	2485	Oslander	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Sholtis, George	2482	Sholtis (s)	Sewickley	265	255	245	235	215	205	205	205	190	185	170
Smiley Coal Company (J. R. Smiley).	2491	Smiley	Sewickley	265	255	245	235	215	205	205	205	190	185	170
Walker, Carl W	2496	Little Run	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
WASHINGTON COUNTY														
Aloe, William	2488	Rider #2 (s)	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170
Aloe, William	2489	Rider #3 (s)	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170
Jones, Patrick	2503	Jones	Pittsburgh	310	300	290	270	250	240	235	245	210	200	175
Penowa Coal Company	2504	Armide #3(s)	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
WESTMORELAND COUNTY														
Byrne & O'Laughlin, (M. E. O'Laughlin).	2492	Moorewood(d)	Pittsburgh	280	270	260	245	230	220	215	235	195	185	175
Byrne & O'Laughlin, (M. E. O'Laughlin).	2486	Moorewood (s)	Pittsburgh	280	270	260	245	230	220	215	235	195	185	175
Lukasik, Gabriel	2507	Ardara	Pittsburgh	270	260	250	225	210	210	200	210	175	165	155
Seanor Coal Company, (W. H. Seanor).	2487	Alcorn	Pittsburgh	275	265	255	235	225	220	215	215	195	185	175
Viletto & Sons, Dominico.	2506	Viletto	U. Free	275	265	255	235	225	220	215	215	195	185	175

[F. R. Doc. 42–8124; Filed, August 20, 1942; 11:53 a. m.]

[Docket No. A–1565]

PART 338—MINIMUM PRICE SCHEDULE, DISTRICT NO. 18

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 18 for the establishment of price classifications and minimum prices for the Snowdrift Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Snowdrift Mine, Mine Index No. 170, of code member Lugarda Peisker for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 338.2 (*Code member price index*) is amended by adding thereto Supplement T–I, and § 338.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

Petitioner proposes a minimum price of $2.35 per ton for the coals of the Snowdrift Mine in Size Group 16 (railroad fuel) for shipment by truck, and by a footnote limits the proposed price to apply only to coals 8" x 0 in size. However, no minimum prices have heretofore been established for the coals in Size Group 16, produced from other mines in Subdistrict 4 of District No. 18, for shipment by truck, nor does the original petition in this matter contain facts sufficient to warrant the establishment of the minimum price requested therein for the coals of the Snowdrift Mine in that size group. Accordingly, since no clear showing has been made that the granting of such relief is necessary, no minimum price is established herein for the coals of the Snowdrift Mine in Size Group 16.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: August 15, 1942.

[SEAL] E. BOYKIN HARTLEY,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 18

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 338, Minimum Price Schedule for District No. 18, and supplements thereto.

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 18:

§ 338.2 *Code member price index*—Supplement T–I. Insert the following listing in proper alphabetical order:

Producer	Mine	Mine index No.	County	Subdistrict price group	Prices, page	
					Rail	Truck
Peisker, Lugarda	Snowdrift	170	Rio Arriba, N. Mex.	4		§ 338.21

§ 338.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II. Insert the following code member name, mine name and county under Sub-District No. 4, in proper order, and the following prices for transportation via truck:

Code member—mine name	County	Size groups			
		1	2	11	15
SUBDISTRICT NO. 4					
Peisker, Lugarda—Snowdrift	Rio Arriba, N. Mex.	450	400	160	250

[F. R. Doc. 42–8125; Filed, August 20, 1942; 11:52 a. m.]

[Docket No. A–1588]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT No. 8

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of Leevale No. 2 Mine (Mine Index No. 291).

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Leevale No. 2 Mine (Mine Index No. 291); and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck is supplemented by adding thereto price classification "E" for Size Group 10, for great lakes cargo only, for the Leevale No. 2 Mine (Mine Index No. 291), of Leevale Collieries, Inc., Subdistrict 4, Powellton Seam, Freight Origin Group No. 123.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: August 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–8174; Filed, August 21, 1942; 11:43 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 987—COBALT

[Amendment 2 to Conservation Order M–39–b]

Section 987.3 *Conservation Order M–39–b*[1] as heretofore amended, is hereby further amended as follows:

(a) By revoking paragraph (a) (3) as added to said order by the provisions of Amendment No. 1, issued June 6, 1942.

(b) Except to the extent provided in paragraph (a), nothing herein shall be construed as revoking or modifying Amendment No. 1 issued June 6, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42–8183; Filed, August 21, 1942; 12:00 m.]

PART 1191—COFFEE

[Amendment 1 to Supplementary Order M–135–c]

1. Section 1191.4 *Supplementary Order M–135–c* is hereby amended in the following respects:

(a) Paragraph (a) is amended by deleting therefrom the figure "75%" and substituting therefor the figure "65%".

(b) Paragraphs (a) and (b) are amended by deleting from each paragraph the word "August" and substituting therefor the word "September".

2. This amendment shall take effect as of the opening of business September 1, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42–8184; Filed, August 21, 1942; 12:00 m.]

[Conservation Order M–208]

PART 3049—SOFTWOOD LUMBER

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of softwood lumber for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3049.1 *Conservation Order M–208*—(a) *Definitions.* Wherever used in this order:

(1) "Softwood lumber" means any sawed lumber (except shingles or lath) of any size or grade, whether rough, dressed on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, or any species of softwood, but not including plywood, veneer or used lumber.

(2) "Class 1 orders" means purchase orders or contracts for softwood lumber to which preference ratings of AAA, AA–1 or AA–2 have been or may hereafter be assigned.

[1] 7 F.R. 901, 4326.

(3) "Class 2 orders" means purchase orders or contracts for softwood lumber to which preference ratings of AA–2x or lower, but higher than A–1–a, have been or may hereafter be assigned (including purchase orders or contracts for softwood lumber for the uses listed on List A attached to this order, unless such orders bear preference ratings higher than AA–2x).

(4) "Class 3 orders" means purchase orders or contracts for softwood lumber to which preference ratings A–1–a or lower but not lower than A–1–k have been or may hereafter be assigned (including purchase orders or contracts for softwood lumber for the uses listed on List B attached to this order, unless such orders bear preference ratings higher than A–1–a).

(5) "Class 4 orders" means purchase orders or contracts for softwood lumber to which preference ratings lower than A–1–k have been or may hereafter be assigned (including purchase orders or contracts for softwood lumber for the uses listed on List C attached to this order, unless such orders bear preference ratings higher than A–2).

(b) *Assignment of ratings for particular uses of lumber.* (1) The following preference ratings are hereby assigned to deliveries of softwood lumber to which no higher preference ratings are specifically applied or extended:

(i) AA–2x for the uses specified in List A attached to this order.

(ii) A–1–a for the uses specified in List B attached to this order.

(iii) A–2 for the uses specified in List C attached to this order.

(2) The ratings assigned in subparagraph (1) of this paragraph (b) may be applied by the person requiring delivery of lumber for the uses specified by endorsement of purchase orders in the manner prescribed by Priorities Regulation No. 3 [1] and Priorities Regulation No. 12,[2] and the ratings may be extended by any person receiving such an endorsed purchase order in the manner and to the extent permitted by those regulations: *Provided, however,* That any other rating assigned to any delivery of softwood lumber by any preference rating order or certificate may be applied or extended in accordance with the provisions of Priorities Regulation No. 3 and Priorities Regulation No. 12 in lieu of the rating assigned in subparagraph (1) of this paragraph (b).

(3) The assignment of a preference rating in subparagraph (1) of this paragraph (b) shall not constitute authorization to begin construction under Conservation Order No. L–41, and shall not authorize the use or delivery of any material, or the application or extension of any preference rating in violation of the provisions of any conservation, limitation or other order or regulation heretofore or hereafter issued by the Director of Priorities, the Office of Production Management, or by the Director of Industry Operations or the Director General for Operations of the War Production Board.

(c) *Ratings applicable to softwood lumber.* On and after August 27, 1942, all orders bearing any rating falling within Class 1, Class 2, Class 3 or Class 4 shall be deemed to bear the highest rating included within the particular class, and shall be so treated for all purposes, including the acceptance of rated orders and the sequence of deliveries and extension of preference ratings thereunder, without any further action on the part of the person placing the order.

(d) *Restrictions on rerating.* On and after September 1, 1942, no force or effect shall be given to any revision in or rerating of a preference rating applied or extended to any purchase order or contract for softwood lumber except as specifically directed by the Director General for Operations: *Provided, however,* That with respect to purchase orders or contracts for softwood lumber to which ratings were assigned prior to September 1, 1942, such orders may be rerated prior to September 17, 1942, subject to the provisions of Priorities Regulation No. 12.

(e) *Restrictions on delivery of softwood lumber.* (1) No person shall accept delivery of softwood lumber for ultimate consumption, unless the lumber is required for use within 60 days after receipt, except that in the case of green lumber needing seasoning the period shall be enlarged to 120 days.

(2) No person shall accept delivery of any item of softwood lumber when his inventory is, or will be immediately after acceptance of such delivery, in excess of a 60 days' supply thereof.

(3) The foregoing restrictions apply to all orders for softwood lumber, including orders bearing preference ratings.

(f) *Restrictions on use of softwood lumber.* (1) On and after August 27, 1942, notwithstanding the terms of any contract or purchase order, and notwithstanding the fact that such an order may bear a preference rating, no person shall, except as specifically authorized by the Director General for Operations on Form PD–423, use, or purchase, order or accept delivery of (i) Southern pine, Douglas fir or Western larch sold as meeting specifications of 1800 or 2000 lbs. fiber stress per square inch, or 1300 or 1400 lbs. compression stress, except on Class 1 orders.

(ii) Southern pine, Douglas fir or Western larch sold as meeting specifications of 1200, 1400 or 1600 lbs. fiber stress per square inch, or 1000, 1100 or 1200 lbs. compression stress, except on Class 1 or Class 2 orders;

(iii) Southern pine, Douglas fir, West Coast hemlock, noble fir or Sitka spruce, of grades No. 1, No. 2 or any higher common grade (not including clears, selects, finish, shop or factory, and not including D or better flooring, ceiling, drop siding or partition in Southern pine), except on Class 1, Class 2 or Class 3 orders;

(iv) Idaho white pine, Northern white pine, Eastern white pine, Norway pine, Ponderosa pine, sugar pine, Lodgepole pine, Jack pine, white fir, tamarack, Eastern spruce, Engelmann spruce or Western white spruce, of Grades No. 2 or No. 3 common, except on Class 1, Class 2 or Class 3 orders.

(2) Notwithstanding the provisions of this paragraph (b), softwood lumber in transit on August 27, 1942, may be delivered to its immediate destination, and any person having softwood lumber in inventory on August 27, 1942, or who receives softwood lumber which is in transit on that date, may use it without regard to the restrictions of this paragraph (f).

(g) *Further restrictions on delivery.* No person shall sell, deliver, or cause to be delivered any item of softwood lumber which he knows or has reason to believe will be received or used in violation of the provisions of paragraph (e) or paragraph (f) of this order.

(h) *Extension of preference ratings to softwood logs.* On and after August 27, 1942, no preference rating shall have any force or effect with respect to deliveries of softwood logs (whether to be used for lumber or any other purpose.)

(i) *Allocations.* The Director General for Operations may allocate specific quantities of softwood lumber to specific persons. He may also direct the specific manner and quantities in which delivery shall be made to particular persons, and direct or prohibit particular uses of softwood lumber, or the production by any person of particular items of softwood lumber. Such allocations and directions will be made to insure the satisfaction of war requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director General for Operations, without regard to any preference ratings assigned to particular purchase orders or contracts. The Director General for Operations may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill war and essential civilian requirements.

(j) *Applicability of priorities regulations.* All transactions affected by this order are subject to the provisions of Priorities Regulation No. 1 [3] (Part 944), Priorities Regulation No. 3 [4] (§ 944.23) and all other applicable priorities regulations except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(k) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal by addressing a letter to the Chief of the Lumber and Lumber Products Branch, War Production Board, Washington, D. C.

(l) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false informatiton to any depart-

[1] 7 F.R. 4422, 4833, 5404.

[2] 7 F.R. 6256, 6465.

[3] 6 F.R. 4489, 6680; 7 F.R. 1493, 1835, 2235, 3311, 3428, 4832, 5603, 6256.

[4] 7 F.R. 4422, 4833, 5404.

ment or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, the Director General for Operations may prohibit such person from making or obtaining further deliveries of, or from processing or using, material under priority control, may withhold from such person priorities assistance, and may take such other action as he deems appropriate.

(m) *Communications.* All communications concerning this order shall be addressed as follows: Lumber and Lumber Products Branch, War Production Board, Washington, D. C., Ref: M–208.

(n) *Limitation Order L–121.*[5] Effective August 27, 1942, the provisions of Limitation Order L–121, and authorizations granted thereunder shall have no force or effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

List A of Order M–208

Purchase orders for the following uses are hereby assigned a rating of AA–2x, unless a higher rating is applied or extended thereto under a preference rating order or certificate:

(1) Construction of:

(i) manufacturing plants rated under Preference Rating Orders P–19, P–19–a, P–19–h, and P–19–i, or Preference Rating Certificates PD–3 and PD–3A.

(2) Maintenance or repair of:

(i) Any building, structure or project owned or operated by the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company; or any Lend-Lease Government.

(3) Boxing, crating, packing or stowing for shipment of material ordered for delivery (or ordered for incorporation into materials ordered for delivery), either directly or through intervening persons, to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company or any Lend-Lease Government, the Canadian Government or the Government of any country of the Western Hemisphere.

(4) Delivery, or for incorporation into material which is ordered for delivery (or ordered for incorporation into material ordered for delivery), either directly or through intervening persons, to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company or any Lend-Lease Government.

(5) Replacement in inventory of an equal number of board feet of softwood lumber sold for uses specified in this List A.

List B of Order M–208

Purchase orders for the following uses are hereby assigned a rating of A–1–a, unless a higher rating is applied or extended thereto under a preference rating order or certificate.

(1) Physical incorporation into:

(i) Auto trailers and equipment.

(ii) Agricultural implements, and agricultural machinery, parts, accessories and equipment.

(iii) Caskets or coffins, including rough boxes.

(iv) Communication equipment.

(v) Electrical equipment.

(vi) Industrial machinery, parts, accessories and equipment.

(vii) Livestock and poultry equipment.

(viii) Millwork.

(ix) Motor vehicles, parts, accessories and equipment (including bodies and cabs).

(x) Patterns and flasks.

(xi) Professional and scientific equipment.

(xii) Scientific and measuring instruments; and

(xiii) Tanks and vats.

(2) Construction of:

(i) Defense projects (not included in List A) rated under Preference Rating Order P–14–a, P–14–b, P–19, P–19–a, P–19–e, P–19–h, P–19–i, P–41, P–46 and P–56, or Preference Rating Certificates PD–3 and PD–3A.

(ii) Defense housing rated under Preference Rating Orders P–19–d, P–19–h, P–55 and P–55, amended, and remodeling projects rated under Preference Rating Order P–110.

(iii) Buildings or structures or parts thereof, to replace those destroyed or damaged by fire, flood, earthquake, tornado, act of God, or the public enemy.

(iv) Buildings or structures required for storage of agricultural products produced, by farmers, planters, ranchmen, dairymen, or nut or fruit growers, but not including shelters, barns, pens or sheds for livestock or poultry; and

(v) Buildings, structures or equipment for the efficient and safe operation of facilities directly connected with the discovery, development, depletion, smelting, or refining of mineral deposits, other than gold and silver.

(vi) Railroad rolling stock (including locomotives) and new railroad structures, including bridges, trestles and rights of way.

(vii) Shelters, barns, pens or sheds for livestock and poultry; or agricultural fences or gates; and

(viii) Structures and projects, other than buildings, to be constructed by any governmental unit.

(3) Maintenance and repair of

(i) Railway rolling stock (including locomotives), or railway bridges, trestles, or rights of way.

(ii) Electric, gas, communications, water or sewage facilities, regardless of ownership.

(iii) Hospitals, roads and bridges, dams, wharves, dock and harbor facilities, or airport structures.

(iv) Facilities directly connected with the discovery, development, depletion, smelting or refining of mineral deposits, other than gold and silver.

(v) Farm buildings other than dwellings.

(vi) Any building, structure or project used for the production or processing of material ordered for delivery, either directly or through intervening persons, to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company or any Lend-Lease Government.

(vii) Any building, structure or project used for the production or processing of material which is ordered for incorporation into other material ordered for delivery, either directly or through intervening persons, to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company or any Lend-Lease Government.

(viii) Agricultural implements, and agricultural machinery, parts, accessories and equipment.

(ix) Churches.

(x) Commercial and office buildings.

(xi) Communication equipment.

(xii) Dwellings.

(xiii) Industrial machinery and equipment.

(xiv) Industrial plants.

(xv) Office buildings (including remodeling) to provide accommodations for agencies of the United States Government.

[5] 7 F.R. 5307, 6045, 6212.

(xvi) Oil pipe lines.
(xvii) Tanks and vats; and
(xviii) Motor vehicles, parts, accessories and equipment (including bodies and cabs).
(4) Boxing, crating, packing or stowing for shipment of:
(i) Abrasive wheels.
(ii) Alloys and rollings.
(iii) Agricultural implements.
(iv) Asbestos products.
(v) Bicycles.
(vi) Burners and boilers, and accessories.
(vii) Castings and forgings.
(viii) Chemicals.
(ix) Compressed or liquefied gas.
(x) Communication equipment.
(xi) Dairy products other than fresh milk, except those in metal, glass or crockery containers.
(xii) Explosives and ammunition (non-military).
(xiii) Fire extinguishers.
(xiv) Fish.
(xv) Food products machinery.
(xvi) Fresh fruits and vegetables.
(xvii) Fresh meat, meat products and lard.
(xviii) Fresh milk.
(xix) Hardware and paint.
(xx) Industrial machinery and equipment, engines and batteries.
(xxi) Internal combustion engines.
(xxii) Machine tools and accessories.
(xxiii) Metal sheets, rods and tubes.
(xxiv) Medical or surgical supplies.
(xxv) Mechanical power transmission machinery and equipment.
(xxvi) Metal working machinery.
(xxvii) Mining machinery.
(xxviii) Nuts, bolts, nails, screws and spikes.
(xxix) Petroleum products.
(xxx) Pipe and pipe fittings.
(xxxi) Poultry and poultry products, including eggs, shell and dry.
(xxxii) Professional and scientific equipment.
(xxxiii) Pumps and pumping equipment.
(xxxiv) Refractories.
(xxxv) Scientific and measuring instruments.
(xxxvi) Stampings, machine shop products.
(xxxvii) Steam fittings.
(xxxviii) Steam turbines.
(xxxix) Steel springs.
(xxxx) Tin cans and tinware.
(xxxxi) Tractors, construction equipment and motor vehicles, and parts, accessories and equipment; and
(xxxxii) Wire and wire work.
(5) Replacement in inventory of an equal number of board feet of softwood lumber sold for uses specified in this List B.

List C of Order M–208

Purchase orders for the following uses are hereby assigned a rating of A–2, unless a higher rating is applied or extended thereto under a preference rating order or certificate:
(1) Physical incorporation into:
(i) Boots and shoes.
(ii) Conduits, wood pipe.
(iii) Ladders.
(iv) Office and store machines.
(v) Photographic equipment; and
(vi) Refrigerators.
(2) Construction of:
(i) Churches.
(ii) Elevators; and
(iii) School and college buildings, structures or projects.
(3) Maintenance or repair of:
(i) Buildings, structures or projects owned by any Governmental unit; and
(ii) School and college buildings, structures or projects.
(4) Boxing, crating, packing or stowing for shipment of:
(i) Batteries.
(ii) Blowers and fans.
(iii) Books and printing.
(iv) Canned foods (including those in metal, glass or crockery containers).
(v) Cooking, heating appliances.
(vi) Dried and preserved fruits.
(vii) Enameled iron sanitary ware.
(viii) Fabricated structural metals.
(ix) Flat glass.
(x) Household and personal belongings.
(xi) Office and store machines.
(xii) Oil field machinery.
(xiii) Paper and pulp.
(xiv) Paper and pulp mill machinery.
(xv) Printing machinery.
(xvi) Refrigerators.
(xvii) Steam, hot water appliances.
(xviii) Stokers, mechanical.
(xix) Steel doors and windows.
(xx) Vitreous plumbing and enameled products.
(xxi) Tobacco; and
(xxii) Woodworking machinery.
(5) Replacement in inventory of an equal number of board feet of softwood lumber sold for uses specified in this List C

[F. R. Doc. 42–8182; Filed, August 21, 1942; 12:00 m.]

Chapter XI—Office of Price Administration

PART 1316—COTTON TEXTILES

[Amendment 5 to Revised Price Schedule 35 [1]]

CARDED GREY AND COLORED-YARN COTTON GOODS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1270, 1836, 2132, 2738, 2795, 3060, 3164, 3447, 3900.

In § 1316.61 (b) (4) a new proviso and a new paragraph are added at the end of footnote 5 in Table III; Table IV and the third paragraph of footnote 1 thereto are amended, and footnote 2 is added thereto; Table V and the second paragraph of footnote 1 thereto are amended, and footnote 2a is added thereto; a new item (xi) is added at the end of Table VI; a new fabric specification and premium are added at the end of paragraph (c) (5); a new subparagraph (7) is added to paragraph (c); as set forth below.

§ 1316.61 *Appendix A: Maximum prices for cotton goods.* * * *
(b) * * *
(4) *Maximum price tables.* * * *

TABLE III—SHEETING YARN GROUP

* * * * * * *

* * * *Provided,* That maximum prices for deliveries of osnaburgs 42" and over in width against contracts entered into between May 4, and May 29, 1942, both inclusive, shall be determined in accordance with Maximum Price Regulation No. 118 (7 F.R. 3038, 3211, 3522, 3578, 3824, 3905, 4405, 5224, 5405, 5567, 5836, 6005).

For 72" 36 x 22 1.00 basket-weave osnaburg seedbag fabric or for any other Class A or B osnaburg produced at the request of the War Production Board and made on looms normally used for the production of household blanket fabrics, a premium of 1½¢ per pound over the otherwise applicable maximum price may be charged.

TABLE IV—DENIMS [1] (PRICES ARE FOR ALL SHADES AND COLORS)

Type of cloth and yards per pound or ounces per yard	Spot cotton price—Cents per pound
	20.37
Denims:	*Cents per yard* [2]
Mill finish:	
3.50 yards	14.00
3.00 yards	15.75
2.60 yards	17.50
2.45 yards	18.25
2.40 yards	18.25
2.30 yards	19.25
2.20 yards	19.75
8 oz. (2.00)	21.50
9 oz. (1.78)	24.00
10 oz.	26.75
Sanforized:	
3.15 yards	16.50
3.00 yards	16.50
2.70 yards	18.25
2.45 yards	20.25
2.20 yards	21.00
8 oz. (2.00)	22.75
9 oz. (1.78)	24.75
10 oz. (1.60)	27.50

[1] * * *
Maximum prices for denims of weights (pro-rated to 29 inches) intermediate between those listed herein shall be determined by interpolation, according to the respective number of yards per pound, between the maximum prices set forth herein; maximum prices for denims of weights greater or less than any listed herein shall be determined in inverse proportion to the respective number of yards per pound from the maximum price for, respectively, the heaviest or lightest denim listed in this table.
* * * * * *

[2] The maximum prices set forth herein shall apply to contracts of sale entered into on or after August 26, 1942, and also to all deliveries made on or after that date against contracts entered into on or after May 4, 1942.

TABLE V—COLORED YARN GROUP, EXCLUSIVE OF DENIMS (PRICES ARE FOR ALL SHADES AND COLORS)

Class of cloth and weight in yards per pound [1]	Cotton spot price—Cents per pound (all numbers inclusive)
	20.37
Carded fine yarn shirting:	
Chambray: [3]	*Cents per yard* [2] [2a]
Mill finish:	
4.85 yards	12.25
3.90 yards	13.50
3.20 yards	16.00
Sanforized:	
3.90 yards	16.00
3.20 yards	18.75
Carded coarse yarn shirting:	
Chambray:	
Mill finish: 3.00 yards	16.00
Sanforized: 3.00 yards	18.75
Carded fine yarn shirting coverts: [3]	
Mill finish:	
3.90 yards	14.25
3.20 yards	16.75
Sanforized:	
3.90 yards	16.75
3.20 yards	19.50
Carded coarse yarn shirting coverts:	
Mill finish: 3.20 yards	16.25
Sanforized: 3.20 yards	19.25
Cotton pants coverts: [4]	
Sanforized:	
1.65 yards	31.75
2.00 yards	26.31
2.40 yards	22.65

[1] * * *

Maximum prices for cloths of weight other than those listed herein (for the same type of cloth) shall be determined in inverse proportion to the respective number of yards per pound from the maximum price for the cloth of that type and of the nearest weight.

* * * * *

[2] * * *

[2a] The maximum prices set forth herein shall apply to contracts of sale entered into on or after August 26, and also to all deliveries made on or after that date against contracts entered into on or after May 4, 1942.

TABLE VI—*Woven tickings*

* * * * *

(xi) *Special premium in lieu of other premiums.* In lieu of all other premiums and differentials, Alabama Mills, Inc., Birmingham, Alabama, may charge a premium of 3 cents per yard over the base prices listed in Table VI for 200,000 yards of their Sterling tickings, styles 78944 and 78945.

* * * * *

(c) * * *

(5) * * *

	Premium allowable (cents per yd.)
Grey goods made for use in products to meet—	
* * * * *	
United States Army Specifications for synthetic resin coated raincoats delivered after March 14, 1942	½
* * * * *	

(7) *Premiums for Pequot narrow sheeting.* The provisions of subparagraphs (1) (2) and (3) of this paragraph (c) are not applicable to narrow sheetings manufactured by Pequot Mills of Salem, Massachusetts, for the brands and constructions described below, for which the premiums listed herein may be charged in addition to the otherwise applicable maximum price set forth in Table II of paragraph (b). The premiums are in lieu of all other premiums or differentials otherwise provided in this Price Schedule No. 35.

Construction:	*Premiums allowable (cents per lb.)*
Pequot 36" 68 x 72	5¾
Pequot 40" 68 x 72	5¾
Eldorado 36" 68 x 76	6½

§ 1316.60a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1316.61 (b) (4) Table III, Table IV, Table V, Table VI (xi), (c) (5) and (7)) to Revised Price Schedule No. 35 shall become effective August 26, 1942.

* * * * *

(Pub. Law 421, 77th Cong.)

Issued this 20th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8158; Filed, August 20, 1942; 4:58 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 45]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas and the portion of the Eastern Massachusetts Defense-Rental Area set out in § 3188.8051 (a) of this Maximum Rent Regulation No. 45, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, as amended May 22, 1942, May 30, 1942, August 1, 1942, and August 12, 1942, and on May 26, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designations and rent declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such Defense-Rental Area and the said portion of the Eastern Massachusetts Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area and the said portion of the Eastern Massachusetts Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for housing accommodations within each such Defense-Rental Area and the said portion of the Eastern Massachusetts Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 45 is hereby issued.

AUTHORITY: §§ 1368.8051 to 1388.8064, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.8051 *Scope of regulation.* (a) This maximum rent regulation applies to all housing accommodations within each of the following Defense-Rental Areas and the following portion of a Defense-Rental Area (each of which is referred to hereinafter in this Maximum Rent Regulation No. 45 as the "Defense-Rental Area"), as designated in the designations and rent declarations (§§ 1388.1201 to 1388.1205 and 1388.1251 to 1388.1255, inclusive) issued by the Administrator on April 28, 1942, as amended May 22, 1942, May 30, 1942, August 1, 1942, and August 12, 1942, and on May 26, 1942, except as provided in paragraph (b) of this section:

(1) The Dothan-Ozark Defense-Rental Area, consisting of the Counties of Dale and Houston, in the State of Alabama.

(2) The El Dorado Defense-Rental Area, consisting of the County of Union, in the State of Arkansas.

(3) The San Bernardino Defense-Rental Area, consisting of the County of San Bernardino, in the State of California.

(4) The Panama City Defense-Rental Area, consisting of the County of Bay, in the State of Florida.

(5) The Pensacola Defense-Rental Area, consisting of the County of Escambia, in the State of Florida.

(6) The Tampa Defense-Rental Area, consisting of the Counties of Hillsborough, Pinellas, and Polk, in the State of Florida.

(7) The Brunswick Defense-Rental Area, consisting of the Counties of Brantley, Camden, Glynn, McIntosh, and Wayne, in the State of Georgia.

(8) The Dixon Defense-Rental Area, consisting of the County of Lee, in the State of Illinois.

(9) The Quad Cities Defense-Rental Area, consisting of the County of Rock Island in the State of Illinois and the County of Scott in the State of Iowa.

(10) The Rantoul Defense-Rental Area, consisting of the County of Champaign, in the State of Illinois.

(11) The Savanna-Clinton Defense-Rental Area, consisting of the County of Carroll in the State of Illinois and the County of Clinton in the State of Iowa.

(12) The Clinton-Newport Defense-Rental Area, consisting of the Counties of Parke and Vermillion, in the State of Indiana, and the Counties of Edgar and Vermilion, in the State of Illinois.

(13) The Columbus, Indiana Defense-Rental Area, consisting of the Counties of Bartholomew, Brown, Johnson, Morgan, and Shelby, in the State of Indiana.

(14) The Evansville-Henderson Defense-Rental Area, consisting of the County of Vanderburgh, in the State of

Indiana, and the County of Henderson, in the State of Kentucky.

(15) The Des Moines Defense-Rental Area, consisting of the County of Polk, in the State of Iowa.

(16) The Baxter Springs Defense-Rental Area, consisting of the Counties of Cherokee and Crawford, in the State of Kansas, and the County of Ottawa, in the State of Oklahoma.

(17) The New Orleans Defense-Rental Area, consisting of the Parishes of Jefferson, Orleans, and St. Bernard, in the State of Louisiana.

(18) The Hagerstown Defense-Rental Area, consisting of the County of Washington, in the State of Maryland.

(19) That portion of the Eastern Massachusetts Defense-Rental Area consisting of the County of Essex, in the State of Massachusetts.

(20) The Worcester Defense-Rental Area, consisting of the County of Worcester, in the State of Massachusetts.

(21) The Jackson, Michigan Defense-Rental Area, consisting of the County of Jackson, in the State of Michigan.

(22) The Sault Ste. Marie Defense-Rental Area, consisting of the County of Chippewa, in the State of Michigan.

(23) The Kansas City Defense-Rental Area, consisting of the Counties of Clay, Jackson, and Platte, in the State of Missouri, and the Counties of Johnson, Leavenworth, and Wyandotte, in the State of Kansas.

(24) The Pike Defense-Rental Area, consisting of the County of Pike, in the State of Missouri, and the County of Pike, in the State of Illinois.

(25) The Elmira Defense-Rental Area, consisting of the Counties of Chemung and Steuben, in the State of New York.

(26) The Utica-Rome Defense-Rental Area, consisting of the Counties of Herkimer, Madison, and Oneida, in the State of New York.

(27) The Marion Defense-Rental Area, consisting of the County of Marion, in the State of Ohio.

(28) The Tulsa Defense-Rental Area, consisting of the Counties of Creek, Osage, and Tulsa, in the State of Oklahoma.

(29) The Allentown-Bethlehem Defense-Rental Area, consisting of the Counties of Lehigh and Northampton, in the State of Pennsylvania, and the County of Warren, in the State of New Jersey.

(30) The Meadville-Titusville Defense-Rental Area, consisting of the Counties of Crawford and Venango, in the State of Pennsylvania.

(31) The Chattanooga Defense-Rental Area, consisting of the Counties of Bradley, Hamilton, and Marion, in the State of Tennessee, and the Counties of Catoosa, Dade, and Walker, in the State of Georgia.

(32) The Clarksville Defense-Rental Area, consisting of the Counties of Montgomery and Stewart in the State of Tennessee and the Counties of Christian, Todd, and Trigg, in the State of Kentucky.

(33) The Paris, Tennessee Defense-Rental Area, consisting of the County of Henry, in the State of Tennessee.

(34) The Dumas-Sunray Defense-Rental Area, consisting of the Counties of Dallam, Hansford, Hartley, Moore, and Sherman, in the State of Texas.

(35) The Point Pleasant-Gallipolis Defense-Rental Area, consisting of the Counties of Jackson and Mason, in the State of West Virginia, and the Counties of Gallia and Meigs, in the State of Ohio.

(36) The Madison, Wisconsin Defense-Rental Area, consisting of the Counties of Columbia, Dane, and Sauk, in the State of Wisconsin.

(37) The Manitowoc Defense-Rental Area, consisting of the County of Manitowoc, in the State of Wisconsin.

(38) The Sturgeon Bay Defense-Rental Area, consisting of the County of Door, in the State of Wisconsin.

(b) This Maximum Rent Regulation No. 45 does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the maximum rent regulation for hotels and rooming houses pursuant to the provisions of that regulation: *Provided*, That this maximum rent regulation does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this maximum rent regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this maximum rent regulation is void. A tenant shall not be entitled by reason of this maximum rent regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this maximum rent regulation.

§ 1388.8052 *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 45 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this maximum rent regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this maximum rent regulation may be demanded or received.

§ 1388.8053 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 45 are for housing accommodations including, as a minimum, services of the same type, quantity, and quality as those provided on the date determining the maximum rent. If, on the effective date of this maximum rent regulation, the services provided for housing accommodations are less than such minimum services the landlord shall either restore and maintain the minimum services or, within 30 days after such effective date, file a petition pursuant to §1388.8055 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.8055 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.8054 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.8055) shall be: (a) For housing accommodations rented on March 1, 1942, the rent for such accommodations on that date.

(b) For housing accommodations not rented on March 1, 1942, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two month period.

(c) For housing accommodations not rented on March 1, 1942 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation No. 45, the first rent for such accommodations after March 1, 1942. The Administrator may order a decrease in the maximum rent as provided in § 1388.8055 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1942 and before the effective date of this maximum rent regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however*, That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.8055 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this maximum rent regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between January 1, 1942 and such effective date,

the rent fixed by the Administrator. The landlord shall, prior to renting and in time to allow 15 days for action thereon, file a petition requesting the Administrator to enter an order fixing the maximum rent therefor. Such order shall be entered on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942.

If no order is entered on such petition within 15 days after filing, the landlord may rent such accommodations and the first rent therefor shall be the maximum rent. Within 5 days after so renting, the landlord shall report the maximum rent. The Administrator may order a decrease in such maximum rent as provided in § 1388.8055 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1942 or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.8055 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this maximum rent regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.8055 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1942 the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 45 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to March 1, 1942 and within the six months ending on that date, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on March 1, 1942, was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) There was in force on March 1, 1942 a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942; or the housing accommodations were not rented on March 1, 1942, but were rented during the two months ending on that date, and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to March 1, 1942, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation No. 45, the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraphs (c), (d), or (g) of § 1388.8054 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942; or the maximum rent for housing accommodations under paragraph (e) of § 1388.8054 for which the rent was not fixed by the Administrator is higher than such generally prevailing rent.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings of equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially

higher than at other times of the year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this maximum rent regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this maximum rent regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this maximum rent regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

§ 1388.8056 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 45; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord seeks in good faith to recover possession of the housing accommodations for immediate use and occupancy as a dwelling by himself, his family or dependents; or he has in good faith contracted in writing to sell the accommodations for immediate use and occupancy by a purchaser, who in good faith has represented in writing that he will use the accommodations as a dwelling for himself, his family or dependents; or the landlord seeks in good faith not to offer the housing accommodations for rent. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, such accommodations shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the accommodations during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this maximum rent regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) At the time of commencing any action to remove or evict a tenant (except an action based on nonpayment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.8057 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 45, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this maximum rent regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.8054 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the Defense-Rental Area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.8058 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.8059 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 45 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.8060 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 45 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.8061 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 45 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.8062 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 45 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.8063 *Definitions.* (a) When used in this Maximum Rent Regulation No. 45:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "area rent office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this maximum rent regulation.

§ 1388.8064 *Effective date of the regulation.* This Maximum Rent Regulation No. 45 (§§ 1388.8051 to 1388.8064, inclusive) shall become effective September 1, 1942.

Issued this 20th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8155; Filed, August 20, 1942; 4:53 p. m.]

PART 1388—DEFENSE RENTAL AREAS

[Maximum Rent Regulation 46A]

HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas and the portion of the Eastern Massachusetts Defense-Rental Area set out in § 1388.9001 (a) of this Maximum Rent Regulation No. 46A, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, as amended May 22, 1942, May 30, 1942, August 1, 1942, and August 12, 1942, and on May 26, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designations and rent declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such Defense-Rental Area and the said portion of the Eastern Massachusetts Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area and the said portion of the Eastern Massachusetts Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for rooms in hotels and rooming houses within each such Defense-Rental Area and the said portion of the Eastern Massachusetts

Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 46A is hereby issued.

AUTHORITY: §§ 1388.9001 to 1388.9014, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.9001 *Scope of regulation.* (a) This Maximum Rent Regulation No. 46A applies to all rooms in hotels and rooming houses within each of the following Defense-Rental Areas and the following portion of a Defense-Rental Area (each of which is referred to hereinafter in this maximum rent regulation as the "Defense-Rental Area"), as designated in the designations and rent declarations (§§ 1388.1201 to 1388.1205 and 1388.1251 to 1388.1255, inclusive) issued by the Administrator on April 28, 1942, as amended May 22, 1942, May 30, 1942, August 1, 1942, and August 12, 1942, and on May 26, 1942, except as provided in paragraph (b) of this section:

(1) The Dothan-Ozark Defense-Rental Area, consisting of the Counties of Dale and Houston, in the State of Alabama.

(2) The El Dorado Defense-Rental Area, consisting of the County of Union, in the State of Arkansas.

(3) The San Bernardino Defense-Rental Area, consisting of the County of San Bernardino, in the State of California.

(4) The Panama City Defense-Rental Area, consisting of the County of Bay, in the State of Florida.

(5) The Pensacola Defense-Rental Area, consisting of the County of Escambia, in the State of Florida.

(6) The Tampa Defense-Rental Area, consisting of the Counties of Hillsborough, Pinellas, and Polk, in the State of Florida.

(7) The Brunswick Defense-Rental Area, consisting of the Counties of Brantley, Camden, Glynn, McIntosh, and Wayne, in the State of Georgia.

(8) The Dixon Defense-Rental Area, consisting of the County of Lee, in the State of Illinois.

(9) The Quad Cities Defense-Rental Area, consisting of the County of Rock Island in the State of Illinois, and the County of Scott, in the State of Iowa.

(10) The Rantoul Defense-Rental Area, consisting of the County of Champaign, in the State of Illinois.

(11) The Savanna-Clinton Defense-Rental Area, consisting of the County of Carroll, in the State of Illinois, and the County of Clinton, in the State of Iowa.

(12) The Clinton-Newport Defense-Rental Area, consisting of the Counties of Parke and Vermillion, in the State of Indiana, and the Counties of Edgar and Vermilion, in the State of Illinois.

(13) The Columbus, Indiana Defense-Rental Area, consisting of the Counties of Bartholomew, Brown, Johnson, Morgan, and Shelby, in the State of Indiana.

(14) The Evansville-Henderson Defense-Rental Area, consisting of the County of Vanderburgh, in the State of Indiana, and the County of Henderson, in the State of Kentucky.

(15) The Des Moines Defense-Rental Area, consisting of the County of Polk, in the State of Iowa.

(16) The Baxter Springs Defense-Rental Area, consisting of the Counties of Cherokee and Crawford, in the State of Kansas, and the County of Ottawa, in the State of Oklahoma.

(17) The New Orleans Defense-Rental Area, consisting of the Parishes of Jefferson, Orleans, and St. Bernard, in the State of Louisiana.

(18) The Hagerstown Defense-Rental Area, consisting of the County of Washington, in the State of Maryland.

(19) That portion of the Eastern Massachusetts Defense-Rental Area consisting of the County of Essex, in the State of Massachusetts.

(20) The Worcester Defense-Rental Area, consisting of the County of Worcester, in the State of Massachusetts.

(21) The Jackson, Michigan Defense-Rental Area, consisting of the County of Jackson, in the State of Michigan.

(22) The Sault Ste. Marie Defense-Rental Area, consisting of the County of Chippewa, in the State of Michigan.

(23) The Kansas City Defense-Rental Area, consisting of the Counties of Clay, Jackson, and Platte, in the State of Missouri, and the Counties of Johnson, Leavenworth, and Wyandotte, in the State of Kansas.

(24) The Pike Defense-Rental Area, consisting of the County of Pike, in the State of Missouri, and the County of Pike, in the State of Illinois.

(25) The Elmira Defense-Rental Area, consisting of the Counties of Chemung and Steuben, in the State of New York.

(26) The Utica-Rome Defense-Rental Area, consisting of the Counties of Herkimer, Madison, and Oneida, in the State of New York.

(27) The Marion Defense-Rental Area, consisting of the County of Marion, in the State of Ohio.

(28) The Tulsa Defense-Rental Area, consisting of the Counties of Creek, Osage, and Tulsa, in the State of Oklahoma.

(29) The Allentown-Bethlehem Defense-Rental Area, consisting of the Counties of Lehigh and Northampton, in the State of Pennsylvania, and the County of Warren, in the State of New Jersey.

(30) The Meadville-Titusville Defense-Rental Area, consisting of the Counties of Crawford and Venango, in the State of Pennsylvania.

(31) The Chattanooga Defense-Rental Area, consisting of the Counties of Bradley, Hamilton, and Marion, in the State of Tennessee, and the Counties of Catoosa, Dade, and Walker, in the State of Georgia.

(32) The Clarksville Defense-Rental Area, consisting of the Counties of Montgomery and Stewart, in the State of Tennessee and the Counties of Christian, Todd, and Trigg, in the State of Kentucky.

(33) The Paris, Tennessee Defense-Rental Area, consisting of the County of Henry, in the State of Tennessee.

(34) The Dumas-Sunray Defense-Rental Area, consisting of the Counties of Dallam, Hansford, Hartley, Moore, and Sherman, in the State of Texas.

(35) The Point Pleasant-Gallipolis Defense-Rental Area, consisting of the Counties of Jackson and Mason, in the State of West Virginia, and the Counties of Gallia and Meigs, in the State of Ohio.

(36) The Madison, Wisconsin Defense-Rental Area, consisting of the Counties of Columbia, Dane, and Sauk, in the State of Wisconsin.

(37) The Manitowoc Defense-Rental Area, consisting of the County of Manitowoc, in the State of Wisconsin.

(38) The Sturgeon Bay Defense-Rental Area, consisting of the County of Door, in the State of Wisconsin.

(b) This Maximum Rent Regulation No. 46A does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this maximum rent regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this maximum rent regulation is void. A tenant shall not be entitled by reason of this maximum rent regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this maximum rent regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this maximum rent regulation. A landlord who so elects shall file a registration statement under this maximum rent regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this maximum rent regulation establishing maximum rents are

better adapted to the rental practices for such building or establishment than the provisions of the maximum rent regulation for housing accommodations other than hotels and rooming houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this maximum rent regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the maximum rent regulation for housing accommodations other than hotels and rooming houses all housing accommodations previously brought under this maximum rent regulation by such election. He shall make such revocation by filing a registration statement or statements under the maximum rent regulation for housing accommodations other than hotels and rooming houses, including in such registration statement or statements all housing accommodations brought under this maximum rent regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the maximum rent regulation for housing accommodations other than hotels and rooming houses.

§ 1388.9002 *Prohibitions.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 46A of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this maximum rent regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this maximum rent regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this maximum rent regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.9003 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 46A are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the thirty-day period determining the maximum rent. If, on the effective date of this maximum rent regulation, the services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the minimum services, or within 30 days after such effective date, file a petition pursuant to § 1388.9005 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.9005 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.9004 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.9005) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after March 1, 1942; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after March 1, 1942 for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942, as determined by the owner of such rooms; *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.9005 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

(f) For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this maximum rent regulation by such rent schedule. The Administrator may order an increase in such rents if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.9005 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1942, the difference in the rental value of the accommodations by reason of such improvement or increase. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942 and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on March 1, 1942 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(5) There was in force on March 1, 1942 a written lease, which had been in force more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this maximum rent regulation, the services provided for a room are less than those provided on the date or during the thirty-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation No. 46A, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

§ 1388.9006 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this maximum rent regulation; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein; *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), such room shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the room during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this maximum rent regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation No. 46A and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a

tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.9007 *Registration.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 46A, every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this maximum rent regulation under paragraphs (b) or (c) of § 1388.9004 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.9004 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.9008 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may, from time to time require.

§ 1388.9009 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 46A shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.9010 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 46A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.9011 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 46A shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.9012 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 46A may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.9013 *Definitions.* (a) When used in this Maximum Rent Regulation No. 46A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "area rent office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this maximum rent regulation.

§ 1388.9014 *Effective date of the regulation.* This Maximum Rent Regulation No. 46A (§§ 1388.9001 to 1388.9014, inclusive) shall become effective September 1, 1942.

Issued this 20th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8156; Filed, August 20, 1942; 4:53 p. m.]

PART 1389—APPAREL

[Maximum Price Regulation 208]

STAPLE WORK CLOTHING

In the judgment of the Price Administrator it is necessary and proper to establish prices for staple work clothing which differ in some respects from the prices established by the General Maxi-

mum Price Regulation.[1] The prices established by the following regulation, in the judgment of the Price Administrator, are fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the said act, Maximum Price Regulation No. 208 is hereby issued.

Sec.

1389.201 Prohibition against dealing in staple work clothing above maximum prices.
1389.202 Maximum prices for staple work clothing sold at retail.
1389.203 Maximum prices for staple work clothing sold otherwise than at retail.
1389.204 Maximum prices for staple work clothing which cannot be priced under the preceding sections.
1389.205 Less than maximum prices.
1389.206 Evasion.
1389.207 Relation of this regulation to other Maximum Price Regulations.
1389.208 Transfers of business or stock in trade.
1389.209 Federal and State taxes.
1389.210 Information required of sellers other than at retail.
1389.211 Registration and licensing.
1389.212 Enforcement.
1389.213 Applications for adjustment.
1389.214 Petitions for amendment.
1389.215 Definitions.
1389.216 Effective date.
1389.217 Appendix A: Definition of staple work clothing.
1389.218 Appendix B: Simplification.
1389.219 Appendix C; Same and similar garments.

AUTHORITY: §§ 1389.201 to 1389.219, inclusive issued under Pub. Law 421, 77th Congress.

§ 1389.201 *Prohibition against dealing in staple work clothing above maximum prices.* On and after August 26, 1942, regardless of any contract or other obligation: (a) No person shall sell or deliver any staple work clothing (defined in § 1389.217) at a higher price than the maximum price established by this Maximum Price Regulation No. 208;

(b) No person in the course of trade or business shall buy or receive any staple work clothing at a price higher than the maximum price established by this Maximum Price Regulation No. 208;

(c) No person shall agree, offer, solicit or attempt to do any of the acts set forth in paragraphs (a) and (b): *Provided*, That contracts which were entered into on or before May 4, 1942, at prices which conform to the General Maximum Price Regulation may be carried out at contract prices.

§ 1389.202 *Maximum prices for staple work clothing sold at retail.* Maximum prices for staple work clothing sold at retail shall be determined under the General Maximum Price Regulation, including the amendment thereto made in Appendix C (§ 1389.219) of this Maximum Price Regulation No. 208, which is incorporated by reference in Supplementary Regulation No. 14 (§ 1499.73)[2] to the General Maximum Price Regulation.

§ 1389.203 *Maximum prices of sellers other than at retail.* Except as otherwise provided in this Maximum Price Regulation No. 208, the maximum price of a seller other than at retail for staple work clothing shall be the base price, determined under paragraphs (a), (b) or (c) of this section, less the amount indicated in paragraph (e).

(a) *List prices.* The base price for sale of a garment to a purchaser of any class shall be the price for such a sale shown on the last issued written price list:

(1) which was generally circulated among the seller's customers or representatives, during or before March 1942; and

(2) pursuant to which the seller delivered one or more garments of the same classification to a purchaser of the same class during or before March 1942.

(b) *Discounts.* The base price for sale of any garment to purchasers of a class to whom such garment was not offered on any such list shall be a base price for the same garment, determined under paragraph (a), less the seller's established percentage discount to purchasers of such class, determined as provided in this section.

(c) *Formula prices.* The base price for sale of a garment to a purchaser of any class by a manufacturer, in cases in which the same garment was sold by the manufacturer during or before March 1942 but cannot be priced under paragraph (a) or (b), shall be a price determined as follows:

(1) *Pricing formula.* To establish a maximum price for a garment to a purchaser of any class, the manufacturer shall:

(i) Determine the unit direct cost of the garment being priced.

(ii) Select from garments of the same classification for which the base price to a purchaser of the same class can be determined under paragraph (a) or (b), the one which has a unit direct cost immediately higher and the one which has a unit direct cost immediately lower than the unit direct cost of the article being priced. If all such garments are either above or below, the one closest in unit direct cost shall be selected, and if any such garment has the same unit direct cost as the article being priced, it shall be selected in addition to the garments immediately above and below.

(iii) Determine the average percentage mark-up over unit direct cost included in the maximum prices of the garments selected.

(iv) Add to the unit direct cost of the article being priced this average percentage mark-up.

The result shall be the base price.

Example

Unit direct cost of garment being priced: $9.00.

(1) Unit direct costs of other garments of same classification	(2) Maximum prices of such garments	(3) Calculation of mark-up	
$10.00	$11.50	Total maximum prices (from (2))	$19.70
7.00	8.20	Total unit costs (from (1))	17.00
17.00	19.70	Total mark-up	2.70

Divide 2.70 (total mark-up) by 17.00 (total cost), and find average percentage mark-up of 15.9%

Multiply $9.00 (unit direct cost of garment being priced) by 15.9 and find dollar mark-up of $1.43. Add $9.00 and find maximum price $10.43

(2) *Computation of unit direct costs.* To establish the unit direct cost, the manufacturer shall add costs per unit of materials and direct labor, determined as follows:

(i) Material costs shall be calculated at the maximum prices which the manufacturer could lawfully be charged for such materials if purchased on his customary terms from the source of supply most used by him during the six months ending March 31, 1942, under the terms of schedules and regulations of the Office of Price Administration in effect on August 26, 1942, including Amendment No. 5 to Revised Price Schedule No. 35, and Amendment No. 8 to Maximum Price Regulation No. 127.

(ii) Wage rates shall be calculated at the rates paid by the seller on March 31, 1942, plus any increase subsequent thereto made pursuant to a collective bargaining contract or other wage agreement which was entered into on or before April 27, 1942, and which provides for an unconditional increase in wage rates of a fixed amount or percent.

(iii) Amounts of labor and material used shall be calculated on the basis of the manufacturer's most recent cost records of the manufacture of each garment during and before March 1942, and labor costs shall be confined to labor used in cutting, sewing, assembling, and inspecting the garment.

(d) *Meaning of terms for the purposes of this section*—(1) The "sellers established percentage discount" to any class of purchasers shall be the average of discounts allowed to purchasers of such class on orders accepted during the six months ending December 31, 1941, on the same material and labor cost basis, for the garment being priced, or if data are not available for that garment, for the most closely comparable garment of the same classification for which data are available.

(2) "Purchasers of the same class" shall be purchasers to whom the seller

* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484.

[2] 7 F.R. 5486.

during the six months ending December 31, 1941, customarily charged the same prices.

(3) A garment shall be considered the "same" as another when:

(i) The garment belongs to the same classification (as defined in § 1389.217);

(ii) The garment contains body material which is the same with respect to (*a*) construction, (*b*) weight and thread count within the tolerances of the Worth Street Rules, (*c*) finish, including shrinkage treatment, and (*d*) color fastness;

(iii) The garment consumes substantially the same average yards per dozen and has substantially the same body dimensions;

(iv) The garment contains trimmings of fairly equivalent serviceability;

(v) The garment is constructed and assembled with the same standards of workmanship and inspection. Differences in color which are not ordinarily the basis of differences in price shall be disregarded.

(4) A simplified model (defined in § 1389.218) of any garment shall be considered the "same" as such garment before simplification, except when such simplified garment becomes the same, under paragraph (d) (3) of this section, as a lower priced garment in which the seller dealt during March 1942.

(e) *Deductions.* The deduction to be made from the base price of any garment, as determined under paragraphs (a), (b) and (c) of this section, in order to determine the maximum price, shall be the product which results from multiplying the number of yards of cloth used in the garment for which such base price was determined, before simplification (if any), by the number of cents indicated in the following Table I, according to the body material of which such garment was made.

TABLE I

Type of cloth	Weight of cloth	Cents per yard
Denims, mill finish	3.50–2.20	1.0
	2.00–1.60	1.5
Denims, sanforized	3.15–2.00	1.0
	1.78 and heavier	1.5
Carded coarse and fine yarn shirting chambrays, mill finish and sanforized.	All weights	0.5
Carded coarse and fine yarn shirting coverts, mill finish and sanforized.	All weights	0.5
Cotton pants coverts, sanforized.	1.65	1.5
Same	2.00–2.40	1.0
Finished jeans, 36" basis	2.85	0.5
Finished drills, 29"–28" basis	2.50	1.0
Cottonades, sanforized and regular finish, 36" basis	1.45–2.00	1.5
Whipcords, napped back, sanforized and regular finish, 36" basis	1.45–2.00	1.5
Moleskins, plain, 30" basis	7¾–8¼ oz.	1.0
Same, 30" basis	8¾–9¼ oz.	1.5
Same, 36" basis	9½–10 oz.	2.0
Moleskins, black and white, 30" basis.	7½–7¾ oz.	1.0
	8–8½ oz.	1.0
Same	8¾–9¼ oz.	1.5
Carded poplin, 35" basis	2.50	1.0
Same	2.85–3.25	0.5
Twills, 36" basis	8.2 oz.	1.5

§ 1389.204 *Maximum prices for staple work clothing which cannot be priced under § 1389.203*—(a) *Special size and special order garments.* The maximum price of any garment of staple work clothing which cannot be priced under § 1389.203 by reason of its unusual size or dimensions shall be the maximum price of the most closely comparable garment of regular size priced under that section plus the percentage premiums:

(1) Which the seller customarily obtained for such garments during March 1942; or

(2) If the seller obtained no such premiums, which he customarily demanded for such garments during March 1942; or

(3) If the seller neither obtained nor demanded such premiums, which were customarily demanded during March 1942 by the most closely comparable seller who did demand such premiums.

(b) *Imperfect garments, or seconds.* The maximum price of any garment of staple work clothing which cannot be priced under § 1389.203 by reason of its substandard quality in any respect shall be the maximum price of the most closely comparable garment of standard quality priced under that section less the percentage discount:

(1) Which the seller customarily allowed for such garments during March 1942; or

(2) If the seller allowed no such discounts, which he customarily offered for such garments during March 1942; or

(3) If the seller neither allowed nor offered such discounts, which were customarily offered during March 1942 by the most closely comparable seller who did offer such discounts.

(c) *Maximum prices in other cases.* The maximum price of a garment of staple work clothing which cannot be priced by the provisions of § 1389.203 or of paragraphs (a) and (b) of this section, shall be a price determined by the seller pursuant to specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the Office of Price Administration in Washington, D. C., an application setting forth (a) a description in detail of the garment for which a maximum price is sought, and (b) a statement of the facts which differentiate the garment from others dealt in by the seller or by competitive sellers of the same class during March 1942, and shall furnish such further relevant information as may be required by the Office of Price Administration.

§ 1389.205 *Less than maximum prices.* Lower prices than the maximum prices established by this Maximum Price Regulation No. 208 may be charged, demanded, paid or offered.

§ 1389.206 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 208 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to staple work clothing, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) No person shall use as a highest price charged during March 1942 to a purchaser of any class a price at which garments were delivered as samples, excepting garments delivered pursuant to an order in the ordinary course of business, under a firm commitment calling for later deliveries at the same price.

(2) No seller shall so change the allowances, discounts or other price differentials which he customarily made during March 1942 as to require any purchaser to pay a higher net price.

§ 1389.207 *Relation of this regulation to other Maximum Price Regulations.* (a) *General Maximum Price Regulation.* This Maximum Price Regulation No. 208 shall apply, and the General Maximum Price Regulation shall not apply, to sales and deliveries of staple work clothing other than at retail. The General Maximum Price Regulation shall apply, and this Maximum Price Regulation No. 208 shall not apply, except as provided in § 1389.219, to sales and deliveries of staple work clothing at retail.

(b) *Maximum Price Regulation No. 157.*[3] Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes—shall apply, and this Maximum Price Regulation No. 208 shall not apply, to sales and deliveries for which maximum prices are established by Maximum Price Regulation No. 157.

(c) *Maximum Price Regulation No. 172.*[4] Maximum Price Regulation No. 172—Charges of Contractors in Apparel Industry—shall apply, and this Maximum Price Regulation No. 208 shall not apply to transactions for which maximum prices are established by Maximum Price Regulation No. 172.

(d) *Export sales.* The maximum price at which a person may export staple work clothing shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[5] issued by the Office of Price Administration.

§ 1389.208 *Transfer of business or stock in trade.* If the business, assets or stock in trade of any seller of staple work clothing have been or shall be transferred on or after April 28, 1942, and the transferee shall carry on the business, or continue to deal in staple work clothing, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligations to keep, make available, prepare and file records shall be the same. The transferor shall either prepare and make available, or

[3] 7 F.R. 4273, 4541, 4618, 5180.
[4] 7 F.R. 4882.
[5] 7 F.R. 5059.

turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this Maximum Price Regulation No. 208.

§ 1389.209 *Federal and State taxes.* Any tax upon, and incident to, the sale or delivery of staple work clothing, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum prices for staple work clothing, and in preparing the records of such seller with respect thereto:

(a) *As to tax in effect during March 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during March 1942 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 208.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 208.

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1389.210 *Informational requirements*—(a) *Records to be kept.* Every person selling staple work clothing otherwise than at retail shall keep and make available for examination by the Office of Price Administration:

(1) All his existing records relating to the prices which he charged for staple work clothing during March 1942;

(2) Records of the kind he has customarily kept relating to the prices charged for such clothing on and after April 28, 1942;

(3) A statement showing the calculation by which each maximum price for a garment sold or offered for sale on or after August 26, 1942, was determined.

(b) *Statements to be filed.* Every person selling staple work clothing otherwise than at retail shall prepare and file with the Office of Price Administration, Washington, D. C., on or before October 1, 1942:

(1) The latest written price list, generally circulated among the seller's customers or representatives, pursuant to which the seller delivered during March 1942, any garment of each classification to each class of purchasers, with a statement showing the date of issuance of such list, to whom circulated, and the name and address of a purchaser of each class to whom a garment of each classification was delivered.

(2) A statement which shall show the maximum prices to all classes of purchasers under this Maximum Price Regulation No. 208 for all garments offered for sale on or after August 26, 1942.

(3) A description of each garment referred to in subparagraphs (1) and (2), identifying it by classification and by lot number, and furnishing such details as may be required in report forms to be prescribed by the Office of Price Administration.

On or before the tenth day of each month after September 1942, every such person shall file a supplementary statement containing the information referred to in subparagraphs (2) and (3) with respect to any offering made during the preceding calendar month and not previously listed.

(c) *Notification of retailers.* Every person delivering staple work clothing to a purchaser for sale at retail shall, within ten days after the first delivery to such purchaser made on or after August 26, 1942, notify such purchaser that he is required to price such staple work clothing under the provisions of the General Maximum Price Regulation and shall supply such purchaser with the text of §§ 1389.217, 1389.218, and 1389.219 to serve as a guide in pricing under the provisions of the General Maximum Price Regulation: *Provided,* That if such first delivery is made prior to September 1, 1942 the text of such sections may be supplied within ten days of September 1, 1942.

(d) *Disclosure of maximum prices.* Every person selling or delivering staple work clothing otherwise than at retail shall within ten days after receipt of a written request from any person to whom such clothing shall have been sold, delivered or offered for sale on or after August 26, 1942, disclose in writing to such person the maximum prices established for such sale, delivery or offer.

(e) *Identification of garments.* Every person selling, delivering or offering to sell or deliver a garment of staple work clothing shall have attached thereto a label containing the manufacturer's lot number for the garment. If the garment has been simplified as provided in § 1389.218, the lot number shall be the number used in March 1942, prefixed by the symbol "S–". No person shall use on any garment a lot number which he used in March 1942 for a different garment.

§ 1389.211 *Registration and licensing.* The registration and licensing provision of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 208 selling staple work clothing at wholesale or at retail.

§ 1389.212 *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 208 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for the suspension of licenses provided by the Emergency Price Control Act of 1942.

§ 1389.213 *Applications for adjustment.* The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum prices established under this Maximum Price Regulation No. 208 for any seller other than a seller at retail in any case in which such seller shows:

(a) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar garments; and

(b) That establishing for him a maximum price, bearing a normal relation to the maximum prices established for competitive sellers of the same or similar garments, will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this paragraph (b) shall be filed in accordance with Procedural Regulation No. 1.[6]

§ 1389.214 *Petitions for amendment.* Any person seeking a modification of any provisions of this regulation, or an adjustment not provided for in § 1389.213, may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1[6] issued by the Office of Price Administration.

§ 1389.215 *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in § 1499.20 of the General Maximum Price Regulation shall apply to terms used in this Maximum Price Regulation No. 208.

§ 1389.216 *Effective date.* The effective date of this Maximum Price Regulation No. 208 shall be August 26, 1942.

§ 1389.217 *Appendix A; Definition of staple work clothing.* Staple work clothing as used in this Maximum Price Regulation No. 208 means men's and boys' garments of the classifications listed below in paragraph (a) and made of cotton body materials of the constructions listed below in paragraph (b).

(a) *Classification of garments:*

(1) Bib overalls, including special trades overalls.
(2) Overall jackets.
(3) Waistband overalls or dungarees.
(4) Work shirts.
(5) Work pants.
(6) One-piece work suits.
(7) Work breeches.

(b) *Constructions of body materials:*

[6] 7 F.R. 971, 3663.

(1) Denims.
(2) Carded yarn shirting chambrays.
(3) Carded yarn shirting coverts.
(4) Cotton pants coverts.
(5) Finished jeans.
(6) Finished drills.
(7) Cottonades, napped back.
(8) Whipcords, napped back.
(9) Moleskins.
(10) Carded yarn poplins.
(11) Twills.

§ 1389.218 *Appendix B: Simplification*—(a) *Simplifications permitted.* A garment shall be deemed to be a "simplified model" of another when it is identical with the other except for the differences listed below:

(1) *Bib overalls.*
(i) Elimination of triple stitching.
(ii) Elimination of double thickness pockets.
(iii) Elimination of bar tacks in excess of 15.
(iv) Elimination of rule pockets or hammer loops in excess of one each.
(v) Elimination of fly buttons in excess of two up to and including size 38.

(2) *Overall jackets.*
(i) Elimination of triple stitching.
(ii) Elimination of double thickness pockets.
(iii) Elimination of pockets in excess of two.
(iv) Elimination of cuff buttons in excess of one on each cuff.
(v) Elimination of buttons on front in excess of four.

(3) *Dungarees or waist-band overalls.*
(i) Elimination of triple stitching.
(ii) Elimination of double thickness pockets.
(iii) Elimination of bar tacks or rivets in excess of nine except those needed for belt loops.
(iv) Elimination of hammer loops.
(v) Elimination of fly buttons in excess of five, including waist-band fasteners.
(vi) Elimination of suspender buttons.
(vii) Elimination of belt loops in excess of six.
(viii) Elimination of strap and buckle.

(4) *Work pants.*
(i) Elimination of triple stitching.
(ii) Elimination of double thickness pockets.
(iii) Elimination of flaps on pockets.
(iv) Elimination of bar tacks or rivets in excess of 11 except those needed for belt loops.
(v) Elimination of suspender buttons up to and including size 38.
(vi) Elimination of side straps and buckles.
(vii) Elimination of all cuffs on trousers manufactured of material heavier than 2.50 per pound on 30'' grey weight basis.
(viii) Elimination of tunnel belt loops.
(ix) Elimination of self belts.
(x) Elimination of pleats.

(5) *Work shirts.*
(i) Elimination of triple stitching.
(ii) Elimination of flaps on pockets.
(iii) Elimination of bar tacks in excess of 4.
(iv) Elimination of cuff buttons in excess of one on each cuff.
(v) Elimination of front buttons in excess of 6.
(vi) Elimination of bellows pockets.
(vii) Elimination of lined cuffs.
(viii) Elimination of eyelets or vents.
(ix) Elimination of yoke back in excess of 2½ inches deep measured from the center of the bottom of the collar.

(6) *One piece work suits.*
(i) Elimination of triple stitching.
(ii) Elimination of double thickness pockets.
(iii) Elimination of bar tacks in excess of 17.
(iv) Elimination of rule pockets and hammer loops in excess of one each.

(7) *Work Breeches.*
(i) Elimination of triple stitching.
(ii) Elimination of flaps on pockets.
(iii) Elimination of double thickness pockets.
(iv) Elimination of fly buttons in excess of five.
(v) Elimination of tunnel belt loops.

(b) *Changes not permitted.* A garment shall not be considered a "simplified model" when it is altered as follows:
(1) By a change in the weight, finish or construction of body materials;
(2) By a reduction in body dimensions;
(3) By elimination or substantial reduction in the use of slide fasteners;
(4) By elimination of double thickness in shoulders, front or back, or in elbows;
(5) By elimination of double thickness in knees or in seats.

§ 1389.219 *Appendix C: Same and similar garments (under the General Maximum Price Regulation).* In determining maximum prices for staple work clothing under the General Maximum Price Regulation, a garment shall be considered the same as another, or similar to another, as provided in paragraphs (a), (b) and (c) of this section.

(a) *Same garments—in general.* One garment shall be considered the "same" as another when it is a garment of the same classification (as listed in § 1389.217 (a)), contains body material of the same construction, weight, and finish, substantially the same average yards per dozen of such material, the same standards of workmanship, and trimmings of fairly equivalent serviceability, and is constructed by the same manufacturer. Differences in color which are not ordinarily the basis of differences in price shall be disregarded.

(b) *Same garments—simplification.* A simplified model (defined in § 1389.218) of any garment shall be considered the "same" as such garment before simplification, except when such simplified model becomes the same, under paragraph (a) of this section, as a lower priced garment in which any seller dealt during March 1942.

(c) *Similar garments.* A garment shall be considered "similar" to another when it is constructed by a different manufacturer, but is otherwise the same.

Issued this 20th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8157; Filed, August 20, 1942; 4:57 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS & ADMIXTURES

[Amendment 8 to Maximum Price Regulation 127[1]]

FINISHED PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1400.78 subparagraphs (41) and (42) of paragraph (c) are amended and paragraphs (d), (e), (f), (g), (h), (i), (j), and (k) are amended; in § 1400.82 three new paragraphs, (p), (q), and (r) are added, as set forth below:

§ 1400.78 *Exempt sales.* The provisions of this Maximum Price Regulation No. 127 shall not apply to:

* * * * *

(c) Sales or purchases of:

* * * * *

(41) Loom finished fabrics: *Provided,* That any person selling such fabrics shall, on or before August 31, 1942, file his name and address with the Office of Price Administration: *Provided further,* That any such person shall also file with the Office of Price Administration, Washington, D. C., before the 10th day of each month, a report showing the total yards of finished piece goods delivered under such exemption during the preceding month.

(42) Woven or printed decorative pattern fabrics composed in an amount of 75% or more by weight of synthetic yarn, and sold exclusively for use by necktie manufacturers: *Provided,* That any person selling such fabrics shall, on or before August 31, 1942, file his name and address with the Office of Price Administration, Washington, D. C., certifying that only such fabrics as are sold exclusively for use by necktie manufacturers will be sold hereunder.

(d) Sales of finished piece goods by furrier suppliers: *Provided,* That any person exempted by this paragraph (d) shall, on or before August 31, 1942, file his name and address with the Office of Price Administration, Washington, D. C., certifying that he falls within the definition of furrier supplier as set forth in § 1400.81 (a) (15) of this Maximum Price Regulation No. 127.

(e) Sales of finished piece goods to custom shirtmakers by a custom shirtmaker's supplier: *Provided,* That any person exempted by this paragraph (e) shall, on or before August 31, 1942, file his name and address with the Office of Price Administration, Washington, D. C.

(f) Sales of finished piece goods by a woman's shoe fabric supplier: *Provided,* That any person exempted by this paragraph (f) shall, on or before August 31, 1942, file his name and address with the Office of Price Administration, Washington, D. C., certifying that he is a woman's shoe fabric supplier as defined in § 1400.81 (a) (11) of this Maximum Price Regulation No. 127.

* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3119, 3242, 4180, 4454, 4587, 4762, 5364, 5675.

(g) Sales of finished piece goods by a milliners' supply house: *Provided,* That any person exempted by this paragraph (g) shall, on or before August 31, 1942, file his name and address with the Office of Price Administration, Washington, D. C.

(h) Sales of finished piece goods by a tailor trimming store: *Provided,* That any person exempted by this paragraph (h) shall, on or before August 31, 1942, file his name and address with the Office of Price Administration, Washington, D. C.

(i) Sales of finished piece goods by a dressmakers' supply house: *Provided,* That any person exempted by this paragraph (i) shall, on or before August 31, 1942, file his name and address with the Office of Price Administration, Washington, D. C.

(j) Sales and deliveries of printed woven decorative fabrics as defined in Maximum Price Regulation No. 39 [3] when such sales or deliveries are made by a person whose principal business with respect to such fabrics during the period between January 1, 1941 and March 31, 1942 was in fabrics selling at a price of 35 cents or more per yard: *Provided,* That any such person shall, on or before August 31, 1942 file his name and address with the Office of Price Administration, Washington, D. C.

(k) Sales of finished piece goods by an artificial flower manufacturers' supplier: *Provided,* That any person exempted by this paragraph (k) shall, on or before August 31, 1942, file his name and address with the Office of Price Administration, Washington, D. C., certifying that he is an artificial flower manufacturers' supplier as defined in §1400.81 (a) (20) of this Maximum Price Regulation No. 127.

§ 1400.82 *Appendix A: maximum prices for finished piece goods.* * * *

(p) *Specific prices for shoe-lining fabrics.* (1) On and after August 26, 1942, notwithstanding any of the provisions of §§1400.77 and 1400.78 and any other provision of this § 1400.82 of this Maximum Price Regulation No. 127, and regardless of any contract, agreement, lease or other obligation the base maximum prices for the following fabrics when sold to shoe manufacturers for use as shoe linings shall be as set forth in Tables V, VI, and VII hereof:

TABLE V--TWILLS AND DRILLS

Weight (yards per pound)	Finish	Maximum price (cents per yard)
1.50	Starch back twill	32.714
1.75	Starch back twill	29.164
2.00	Starch back twill	25.947
2.35	Starch back twill	23.765
1.50	Starch back napped twill	33.701
1.75	Starch back napped twill	30.152
2.35	Starch back drill	22.795
2.75	Starch back drill	20.370
3.95	Starch back drill	16.240

[3] 7 F.R. 5243.

TABLE VI—FLANNELS

Weight (yds. per lb.)	Width (inches)	Maximum price (cents per yard)
6.00	40½	13.643
5.00	40½	14.903
4.00	40½	16.791
3.40	40½	18.551
3.00	40½	20.248
2.50	40½	23.401
2.00	40½	28.342
1.60	40½	34.107
3.50	37	17.945
Light (EW)*	47½	21.670
Medium (PNS)*	47½	22.441
3.00 (CD)*	37	20.248

*Trade name.

(2) In addition to the base maximum prices set forth in the foregoing tables, the following premiums may be charged for special services or extra finishing:

TABLE VIII

Services or finish	Premium (cents per yard)
For bleaching	1
For dyeing	2½
For double napping	½
For sales in quantities of less than 1,000 yds. per color and finish	½

(3) The maximum prices established by subparagraphs (1) and (2) hereof are subject to credit terms as set forth in paragraph (h) of this section.

(q) *Specific reductions in prices of work-clothing fabrics.* (1) Notwithstanding any of the provisions of § 1400.78 and any other provision of this § 1400.82 of this Maximum Price Regulation No. 127, the maximum prices computed hereunder for the following finished piece goods shall be reduced as set forth in Table IX hereof:

TABLE IX

Type of fabric	Weight	Width (inch basis)	Reduction (cents per yard)
Finished jeans	2.85 yds. per lb	36	¼
Finished drills	2.50 yds. per lb	28–29	½
Moleskins, plain	7¾–8¼ oz. per yard	30	½
Moleskins, plain	8¾–9¼ oz. per yard	30	¾
Moleskins, plain	9½–10 oz. per yard	36	1
Moleskins, black and white	7½–7¾ oz. per yard	30	½
Moleskins, black and white	8–8½ oz. per yard	30	½
Moleskins, black and white	8¾–9¼ oz. per yard	30	¾
Carded poplins	3.25 yds. per lb	35–36	¼
Carded poplins	2.85 yds. per lb	35–36	¾
Carded poplins	2.50 yds. per lb	35–36	½

(2) The maximum prices established herein shall apply to contracts of sale entered into on or after August 26, 1942, and also to all deliveries made on or after that date against contracts entered into on or after May 4, 1942.

(r) *Specific prices for private sales of certain Government-specification goods.* (1) Notwithstanding any of the provisions of §§ 1400.77 and 1400.78 and any other provision of this § 1400.82 of this Maximum Price Regulation No. 127, and regardless of any contract, agreement, lease or other obligation, the maximum prices for finished piece goods of the types and made with reference to the specifications (in their present form or as hereafter amended) listed below, when such goods are sold to any person other than a war procurement agency, shall be as set forth in Table X hereof:

TABLE X

Description	Specification	Maximum price (cents per yard)
8.2 combed uniform twill, khaki color.	P. Q. D. No. 33-A	
Type I		66
Type II		63
Type III		56
Type IV		43.75
Type V		60.87
Bleached and shrunk twill, white.	27 T 25	
Type C, 29" wide		40.96
Type D, 32" wide		41.59
Shrunk khaki suiting, 40" wide.	Marine Corps Specification November 22, 1937.	56.90
6 oz. combed twill, khaki, 36" wide.	P. Q. D. No. 95	43.75
Wind resistant cloth, olive drab.	P. Q. D. No. 1	
Type II poplin		62.00
Lining twill, olive drab.	6-100B	
Albert twill		31.50
Mosquito netting, olive drab.	P. Q. D. No. 17 A	
35" wide		14.37
47" wide		19.28
Balloon cloth	27 C 13 (INT)	
Type BB		(*)
Type HH		(*)
Type MM		(*)
Type RR		(*)
Balloon cloth	6-39-G	
Type BB		(*)
Type HH		(*)
Type KK		(*)
Type MM		(*)
Type RR		(*)
Type SS		(*)
Airplane cloth	AN-CCC-C-399	
Marine shirting, olive drab.	Marine Corps Specification April 18, 1934, revised to March 10, 1942.	
Oxford 35½" wide		30
Rubberized fabric	M 54	(*)
Black lining twill	27 L 6	(*)
Balloon cloth substitute.	Specifications described in invitation Neg. 336.	
8½ oz. carded herringbone twill.		
36" standard 72 x 46	6-261 and amendment No. 1 thereto.	39.50

*The maximum prices for goods so marked shall be those established by the most recent of (1) the last contract therefor awarded to the particular seller by a war procurement agency, as defined in § 1400.81 (a) (16) of this Maximum Price Regulation No. 127, or (2) the last subcontract therefor awarded to the particular seller by a person other than a war procurement agency for use in connection with the performance of a prime contract with such an agency.

(2) The above maximum prices shall be discounted as follows:

Rejects:	Percent
30 yards and up	5
20 to 30 yards	20
10 to 20 yards	30
1 to 10 yards	40
Finishing seconds:	
10 yards and up	25
1 to 10 yards	50

(3) The maximum prices established by subparagraphs (1) and (2) hereof are subject to credit terms as set forth in paragraph (h) of this section.

§ 1400.85 *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§ 1400.78 (c) (41), (c) (42), (d), (e), (f), (g), (h), (i), (j) and (k), § 1400.82 (p), (q), and (r)) to Maximum Price Regulation No. 127 shall become effective August 26, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8161; Filed, August 20, 1942; 4:58 p. m.]

PART 1412—SOLVENTS

[Revised Price Schedule 36 [1]]

ACETONE

The title, preamble and §§ 1335.301 to 1335.310 inclusive, are amended and renumbered to read as set forth below:

Maximum Price Regulation No. 36—Acetone

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 36, has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1 [2] issued by the Office of Price Administration, Maximum Price Regulation No. 36 is hereby issued.

Sec.

1412.51 Maximum prices for acetone.
1412.52 Less than maximum prices.
1412.53 Adjustable pricing.
1412.54 Evasion.
1412.55 Records and reports.
1412.56 Enforcement.
1412.57 Applicability of General Maximum Price Regulation.
1412.58 Licensing.
1412.59 Federal and State taxes.
1412.60 Applications for adjustment.
1412.61 Petitions for amendment.
1412.62 Definitions.
1412.63 Applicability.
1412.64 Export sales.
1412.65 Effective dates of amendments.
1412.66 Appendix A: Maximum prices for acetone.

AUTHORITY: Sections 1412.51 to 1412.66, inclusive, issued under Pub. Law 421, 77th Cong., 2nd Sess.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1276, 1836, 2000, 2132.

[2] 7 F.R. 971, 3663.

§ 1412.51 *Maximum prices for acetone.* (a) On and after September 3, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver acetone, and no person shall buy or receive acetone in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A (§ 1412.66); and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of acetone to a purchaser, if prior to September 3, 1942, such acetone had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) Any sales or deliveries of acetone not specifically referred to in Appendix A (§ 1412.66) shall be subject to the provisions of the General Maximum Price Regulation.[3]

§ 1412.52 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1412.66) may be charged, demanded, paid or offered.

§ 1412.53 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1412.54 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 36 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to acetone alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1412.55 *Records and reports.* (a) Every person making purchases or sales of acetone for which maximum prices are established by this Maximum Price Regulation No. 36, on and after September 3, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the prices paid or received, and the specifications and quantity, including the size of the containers, of such acetone purchased and sold.

(b) On or before October 3, 1942, and on or before the 10th day of each month thereafter, every producer of fermentation acetone shall submit to the Office of Price Administration a report on Form 136.1 in the detail required by such Form, showing the total production of fermentation acetone by such producer during the previous calendar month, the respective percentages of such total produced from molasses, corn, or other raw material, the cost of such raw material, and such other information as such Form shall require. Persons affected by Maximum Price Regulation No. 36 shall submit such other reports to the Office of Price Administration as it may, from time to time require.

(c) Every person selling synthetic acetone for which upon sale by that person maximum prices are established by this Maximum Price Regulation No. 36, shall:

(1) Preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for such of said synthetic acetone as he delivered during March 1942, and his offering prices for delivery of such synthetic acetone during such month; and

(2) Prepare on or before September 18, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing:

(i) The highest prices he charged for such of said synthetic acetone as he delivered during March 1942, and his offering price for delivery of such synthetic acetone during such month, together with an appropriate description or identification of such synthetic acetone delivered or offered for delivery; and

(ii) All his customary allowances, discounts and other price differentials.

Any person, other than a person selling at retail, who claims that substantial injury would result to him from making such statement available to any other person may file it with the appropriate field office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this Maximum Price Regulation No. 36. "Appropriate field office of the Office of Price Administration" means the district office for the district (or in the absence of such district office, the State office for the State) in which is located the seller's place of business from which his sales are made.

§ 1412.56 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 36 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 36 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest District, State, Field, or Regional Office of the Office of Price Administration, or its principal Office in Washington, D. C.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565.

§ 1412.57 *Applicability of General Maximum Price Regulation.* Except as provided in §§ 1412.51 (b) and 1412.58 (b) the provisions of this Maximum Price Regulation No. 36 supersede the provisions of the General Maximum Price Regulation with respect to sales or deliveries of acetone for which maximum prices are established by this Maximum Price Regulation No. 36.

§ 1412.58 *Licensing.* (a) The provisions of Supplementary Order No. 11,[4] Licensing Distributors of Chemicals and Drugs, are applicable to every distributor selling acetone for which maximum prices are established by Appendix A (§ 1412.66). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail acetone for which maximum prices are established by Appendix A (§1412.66). The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1412.59 *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of acetone, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such acetone and in preparing the records of such seller with respect thereto.

(a) *As to a tax in effect during the thirty day period ending October 3, 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the thirty day period ending October 3, 1942, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 36.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 36.

(b) *As to a tax or increase in a tax which becomes effective after September 3, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1412.60 *Applications for adjustment.* Any person seeking relief from a maximum price established under this Maximum Price Regulation No. 36 may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1 and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 36 to eliminate the danger of inflation.

§ 1412.61 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 36 or an adjustment or exception not provided for herein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1412.62 *Definitions.* (a) When used in this Maximum Price Regulation No. 36, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, legal successor or representatives of any of the foregoing, and includes the United States, any agency thereof, any other government or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Fermentation acetone" means acetone produced by the fermentation of any carbohydrate containing material.

(3) "Synthetic acetone" means acetone other than fermentation acetone.

(4) "Direct cost to the seller" means the price which the seller paid for the commodity, less discounts allowed to the seller, plus all costs of shipment actually incurred by the seller.

(5) "Eastern territory" means the states of New Mexico, Colorado, Wyoming Montana, all states east thereof, and the District of Columbia.

(6) "Western territory" means all other states of the United States.

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 36.

§ 1412.63 *Applicability.* The provisions of this Maximum Price Regulation No. 36 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1412.64 *Export sales.* The maximum price at which a person may export acetone shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[5] issued by the Office of Price Administration.

§ 1412.65 *Effective dates of amendments.* (a) Maximum Price Regulation No. 36 (§§ 1412.51 to 1412.66, inclusive) shall become effective September 3, 1942: *Provided,* That Revised Price Schedule No. 36 shall remain in effect until this Maximum Price Regulation No. 36 becomes effective on September 3, 1942.

§ 1412.66 *Maximum prices for acetone*—(a) *Sales in containers of 50 gallons or more of fermentation acetone.* Maximum prices for sales in containers of 50 gallons or more of fermentation acetone are established as set forth below:

(1) *Eastern territory:*

	Fermentation Acetone per pound delivered
Tank cars	$0.085
Drums, carload lots	.095
Drums, l. c. l. lots	.10

(2) *Western territory.* Delivered: ½ cent per pound may be added to the applicable maximum price established for Eastern territory by subparagraph (1) of this paragraph.

(3) *Deliveries from local stocks maintained by others than producers.* Ex seller's warehouse: $0.01 per pound may be added to the applicable maximum price established by subparagraph (1) or (2) of this paragraph, as the case may be.

(4) *Containers.* The maximum prices established by subparagraphs (1), (2) or (3) of this paragraph shall not be increased by any charges for containers. Seller may, however, require the return of containers, but in such case the maximum prices which may be charged are the maximum prices set forth in subparagraphs (1), (2) or (3) of this paragraph less $.003 per pound. When sales are made upon a container returnable basis, seller may require a reasonable deposit for the return of such containers, but such deposit must be refunded to the buyer upon the return of the container in good condition within a reasonable time. Transportation costs with respect to the return of empty containers to seller shall in all cases be borne by seller.

(5) *Territories and possessions.*—(i) *Sales from plants in the territories and possessions.* Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, maximum prices for fermentation acetone produced in plants in the territories or possessions of the United States shall be the applicable maximum prices established for Eastern territory by subparagraph (1) of this paragraph less ½ cent per pound f. o. b. plant.

[4] 7 F.R. 6167.

[5] 7 F.R. 5059.

(ii) *Deliveries from the continental United States to purchasers in the territories and possessions.* Sales of fermentation acetone by a seller shipping such commodity from the continental United States to a purchaser in the territories or possessions of the United States shall be governed by the maximum prices established for export sales by the Revised Maximum Export Price Regulation.

(iii) *Deliveries from local stocks maintained by a person other than a producer.* Maximum prices, ex warehouse, for fermentation acetone delivered from local stocks maintained by a seller other than a producer in a territory or possession of the United States shall be determined by adding to the direct cost to such seller of the fermentation acetone so delivered whichever of the following amounts per pound is applicable:

Bought in—	Sold in		
	Tank cars	Drums, carload	Drums, l. c. l.
Tank cars	$0.01	$0.02	$0.025
Drums, carload		0.01	0.015
Drums, l. c. l.		0.005	0.01

(b) *Sales in containers of 50 gallons or more of synthetic acetone.* The maximum prices for synthetic acetone in containers of 50 gallons or more shall be either the seller's maximum prices for such commodity as determined under the provisions of the General Maximum Price Regulation or the maximum prices established by paragraph (a) of this section for fermentation acetone, which ever is lower.

(c) *Credit charges.* The maximum prices established by this Maximum Price Regulation No. 36 shall not be increased by any charges for the extension of credit.

Issued this 20th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8154; Filed, August 20, 1942; 4:56 p. m.]

PART 1412—SOLVENTS

[Revised Price Schedule 37 [1]]

BUTYL ALCOHOL AND ESTERS THEREOF

The title, preamble and §§ 1335.351 to 1335.360 inclusive, are amended and renumbered to read as set forth below:

Maximum Price Regulation No. 37—Butyl Alcohol and Esters Thereof

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 37 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1 [2] issued by the Office of Price Administration, Maximum Price Regulation No. 37 is hereby issued.

Sec.

1412.101 Maximum prices for butyl alcohol and esters thereof.
1412.102 Less than maximum prices.
1412.103 Adjustable pricing.
1412.104 Evasion.
1412.105 Records and reports.
1412.106 Enforcement.
1412.107 Applicability of General Maximum Price Regulation.
1412.108 Licensing.
1412.109 Federal and State taxes.
1412.110 Applications for adjustment.
1412.111 Petitions for amendment.
1412.112 Definitions.
1412.113 Applicability.
1412.114 Export sales.
1412.115 Effective dates of amendments.
1412.116 Appendix A: Maximum prices for butyl alcohol and esters thereof.

AUTHORITY: §§ 1412.1 to 1412.116, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1412.101 *Maximum prices for butyl alcohol and esters thereof.* (a) On and after September 3, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver butyl alcohol or esters thereof, and no person shall buy or receive butyl alcohol or esters thereof in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A (§ 1412.116); and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of butyl alcohol or esters thereof to a purchaser, if prior to September 3, 1942, such butyl alcohol or esters thereof had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) Any sales or deliveries of butyl alcohol or esters thereof not specifically referred to in Appendix A (§ 1412.116) shall be subject to the provisions of the General Maximum Price Regulation.[3]

§ 1412.102 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1412.116) may be charged, demanded, paid or offered.

§ 1412.103 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1412.104 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 37 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to butyl alcohol or esters thereof alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1412.105 *Records and reports.* (a) Every person making purchases or sales of butyl alcohol or esters thereof for which maximum prices are established by this Maximum Price Regulation No. 37, on and after September 3, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the prices paid or received, and the specifications and quantity, including the size of the containers, of such butyl alcohol or esters thereof purchased and sold.

(b) On or before October 3, 1942, and on or before the 10th day of each month thereafter, every producer of normal fermentation butyl alcohol, shall submit to the Office of Price Administration a report on Form 137:1 in the detail required by such form, showing the total production of normal fermentation butyl alcohol by such producer during the previous calendar month, the respective percentages of such total produced from molasses, corn, or other raw material, the cost of such raw material, and such other information as such form shall require. Persons affected by Maximum Price Regulation No. 37 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.

(c) Every person selling normal synthetic butyl alcohol or normal synthetic butyl acetate for which upon sale by that person maximum prices are established by this Maximum Price Regulation No. 37, shall:

(1) Preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for such of those commodities as he delivered during March 1942, and his offering prices for delivery of such commodities during such month; and

(2) Prepare on or before September 18, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing:

(i) The highest prices he charged for such of those commodities as he delivered during March 1942, and his offering price for delivery of such commodities during such month, together with an appropriate description or identification of each such commodity; and

(ii) All his customary allowances, discounts and other price differentials.

Any person, other than a person selling at retail, who claims that substantial injury would result to him from making such statement available to any other person, may file it with the appropriate field office of the Office of Price Ad-

* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1277, 1836, 2000, 2132.

[2] 7 F.R. 971, 3663.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565.

ministration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this Maximum Price Regulation No. 37. "Appropriate field office of the Office of Price Administration" means the district office for the district (or in the absence of such district office, the state office for the State) in which is located the seller's place of business from which his sales are made.

§ 1412.106 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 37 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 37 or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest District, State, Field, or Regional Office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1412.107 *Applicability of General Maximum Price Regulation.*[3] Except as provided in §§ 1412.101 (b) and 1412.108 (b), the provisions of this Maximum Price Regulation No. 37 supersede the provisions of the General Maximum Price Regulation with respect to sales or deliveries of butyl alcohol or esters thereof for which maximum prices are established by this Maximum Price Regulation No. 37.

§ 1412.108 *Licensing.* (a) The provisions of Supplementary Order No. 11,[4] Licensing Distributors of Chemicals and Drugs, are applicable to every distributor selling butyl alcohol or esters thereof for which maximum prices are established by Appendix A (§ 1412.116). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail butyl alcohol or esters thereof for which maximum prices are established by Appendix A (§ 1412.116). The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1412.109 *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of butyl alcohol or esters thereof, imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such butyl alcohol or esters thereof and in preparing the records of such seller with respect thereto.

(a) *As to a tax in effect during the thirty day period ending October 3, 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the thirty day period ending October 3, 1942, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 37.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 37.

(b) *As to a tax or increase in a tax which becomes effective after September 3, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1412.110 *Applications for adjustment.* Any person seeking relief from a maximum price established under this Maximum Price Regulation No. 37 may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1 and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 37 to eliminate the danger of inflation.

§ 1412.111 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 37 or an adjustment or exception not provided for herein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1412.112 *Definitions.* (a) When used in this Maximum Price Regulation No. 37, the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Normal fermentation butyl alcohol" means normal butyl alcohol produced by the fermentation of any carbohydrate containing material.

(3) "Normal synthetic butyl alcohol" means normal butyl alcohol other than normal fermentation butyl alcohol.

(4) "Normal fermentation butyl acetate" means normal butyl acetate prepared from normal fermentation butyl alcohol.

(5) "Normal synthetic butyl acetate" means normal butyl acetate other than normal fermentation butyl acetate.

(6) "Direct cost to the seller" means the price which the seller paid for the commodity, less discounts allowed to the seller, plus all costs of shipment actually incurred by the seller.

(7) "Eastern territory" means the States of New Mexico, Colorado, Wyoming, Montana, all States east thereof, and the District of Columbia.

(8) "Western territory" means all other States of the United States.

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 37.

§ 1412.113 *Applicability.* The provisions of this Maximum Price Regulation No. 37 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1412.114 *Export sales.* The maximum price at which a person may export butyl alcohol or esters thereof shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[5] issued by the Office of Price Administration.

§ 1412.115 *Effective dates of amendments.* (a) Maximum Price Regulation No. 37 (§§ 1412.101 to 1412.116, inclusive) shall become effective September 3, 1942: *Provided,* That Revised Price Schedule No. 37 shall remain in effect until this Maximum Price Regulation No. 37 becomes effective on September 3, 1942.

§ 1412.116 *Appendix A: Maximum prices for butyl alcohol and esters thereof*—(a) *Sales in containers of 50 gallons or more of normal fermentation butyl alcohol and normal fermentation butyl acetate.* Maximum prices for sales in containers of 50 gallons or more of normal fermentation butyl alcohol or

[3] *Supra,* note 3.

[4] 7 F.R. 6167.

[5] 7 F.R. 5059.

normal fermentation butyl acetate are established as set forth below:

(1) *Eastern territory.*

	Per pound delivered	
	Normal fermentation butyl alcohol	Normal fermentation butyl acetate
Tank cars	$0.125	$0.135
Drums, carload lots	.135	.145
Drum l. c. l. lots	.140	.150

(2) *Western territory.* Delivered: ½ cent per pound may be added to the applicable maximum price established for Eastern territory by subparagraph (1) of this paragraph.

(3) *Deliveries from local stocks maintained by others than producers.* Ex seller's warehouse: $0.01 per pound may be added to the applicable maximum price established by subparagraph (1) or (2) of this paragraph, as the case may be.

(4) *Containers.* The maximum prices established by subparagraphs (1), (2), or (3) of this paragraph shall not be increased by any charges for containers. Seller may, however, require the return of containers, but in such case the maximum prices which may be charged are the maxium prices set forth in subparagraphs (1), (2) or (3) of this paragraph less $0.003 per pound. When sales are made upon a container returnable basis, seller may require a reasonable deposit for the return of such containers, but such deposit must be refunded to the buyer upon the return of the container in good condition within a reasonable time. Transportation costs with respect to the return of empty containers to seller shall in all cases be borne by seller.

(5) *Territories and possessions*—(i) *Sales from plants in the territories and possessions.* Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, maximum prices for normal fermentation butyl alcohol and normal formentation butyl acetate produced in plants in the territories or possessions of the United States shall be the applicable maximum prices established for Eastern territory by subparagraph (1) of this paragraph less ½ cent per pound f. o. b. plant.

(ii) *Deliveries from the continental United States to purchasers in the territories and possessions.* Sales of normal fermentation butyl alcohol or normal fermentation butyl acetate by a seller shipping such commodities from the continental United States to a purchaser in the territories or possessions of the United States shall be governed by the maximum prices established for export sales by the Revised Maximum Export Price Regulation.

(iii) *Deliveries from local stocks maintained by a person other than a producer.* Maximum prices, ex warehouse, for normal fermentation butyl alcohol or normal fermentation butyl acetate delivered from local stocks maintained by a seller other than a producer in a territory or possession of the United States shall be determined by adding to the direct cost to such seller of the normal fermentation butyl alcohol or normal fermentation butyl acetate so delivered whichever of the following amounts per pound is applicable:

Bought in—	Sold in—		
	Tank cars	Drums, carload	Drums, l. c. l.
Tank cars	$0.01	$0.02	$0.025
Drums, carload	----------	.01	.015
Drums, l. c. l.	----------	.005	.01

(b) *Sales in containers of 50 gallons or more of normal synthetic butyl alcohol and normal synthetic butyl acetate.* The maximum prices for normal synthetic butyl alcohol or normal synthetic butyl acetate in containers of 50 gallons or more shall be either the seller's maximum prices for such commodities as determined under the provisions of the General Maximum Price Regulation or the maximum prices established by paragraph (a) of this section for normal fermentation butyl alcohol or normal fermentation butyl acetate respectively, whichever is lower.

(c) *Credit charges.* The maximum prices established by this Maximum Price Regulation No. 37 shall not be increased by any charges for the extension of credit.

Issued this 20th day of August, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8160; Filed, August 20, 1942; 4:56 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Amendment 2 to Maximum Price Regulation 183 [1]]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (2) is added to paragraph (a) of § 1418.1, and paragraph (b) is added to § 1418.14.

§ 1418.1 *Maximum prices.* (a) Maximum prices are established as follows: * * *

(2) On and after August 20, 1942, regardless of any contract, agreement, lease, or other obligation, or of any price regulation heretofore issued by the Office of Price Administration, no person shall sell or deliver pork fat backs in the Territory of Puerto Rico and no person shall buy or receive pork fat backs in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (b) Table II; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this subparagraph shall not be applicable to sales or deliveries of pork fat backs to a purchaser if prior to August 20, 1942, such pork fat backs had been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

* * * * *

§ 1418.13a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1418.1 (a) (2) and § 1418.14 (b)) to Maximum Price Regulation No. 183 shall become effective August 20, 1942.

§ 1418.14 *Tables of maximum prices.* * * *

(b) *Table II: Maximum prices for pork fat backs.* (1) The maximum prices for pork fat backs sold or delivered at wholesale and retail in the Territory of Puerto Rico shall be:

	Sales at wholesale (per cwt.)	*Sales at retail (per pound)*
Pork fat backs	$15.55	$0.18

(Pub. Law 421, 77th Cong.)

Issued this 20th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8159; Filed, Aug. 20, 1942; 4:56 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Amendment 4 to Maximum Price Regulation 169 [1]]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Amended: § 1364.52 (b) (5) and § 1364.62 (a) (4).

Added: § 1364.52 (h) and 1364.63 (d) as set forth below:

§ 1364.52 *Maximum prices for beef and veal carcasses and wholesale cuts.* * * *

(b) *Maximum prices for products shipped via car route.* * * *

(5) Maximum prices in each car route zone shall be determined by adding to the f. o. b. shipping point prices determined under subparagraph (b) (4) of this section the average transportation charge in such zone, except that in sales to the armed forces of the United States or to the Federal Surplus Commodities Corporation the maximum prices shall be determined by adding to such f. o. b. shipping point prices the transportation charge to destination which is actually incurred, which actual transportation charge shall in no instance exceed the highest transportation charge used as the basis for determining the average transportation charge in the zone of such destination point.

* * * * *

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5620.

[1] 7 F.R. 4653, 4798.

(h) *Adjustment of maximum prices for products sold to certain governmental agencies to include certain special charges.* In any sale of beef or veal carcasses or wholesale cuts to the armed forces of the United States or to the Federal Surplus Commodities Corporation, the seller may add to the maximum prices determined under paragraphs (a), (b) and (c) of this section the actual cost of freezing and wrapping or packaging such products if such products are frozen and wrapped or packaged pursuant to specifications applicable to products for overseas shipment or supply ship delivery: *Provided*, That the actual cost of freezing shall in no event exceed the lowest commercial rate for such freezing in the market area.

* * * * *

§ 1364.62 *Definitions.* (a) * * *

(4) "Wholesale cuts" means all cuts and combinations of cuts derived from the dressed beef or veal carcass, including but not limited to: (i) fore-quarters and hind-quarters and fore-saddles and hind-saddles; (ii) rough and trimmed, bone in and boneless, whole and sliced; (iii) fresh, frozen, cured, pickled, spiced, smoked, cooked, dried or otherwise processed, including ground hamburger and sausage containing any proportion of beef or veal. Kosher wholesale cuts shall for the purposes of § 1364.52 be regarded as separate wholesale cuts, and kosher carcasses shall be regarded as separate carcasses.

Cuts of each grade and brand, and in each stage of processing, shall be considered separate wholesale cuts, except that fresh and frozen cuts shall not be considered separate wholesale cuts. Trimmings of each grade and in each stage of processing shall be considered separate wholesale cuts. Each type of canned and packaged meat, made entirely from beef or veal, shall be considered a separate wholesale cut.

§ 1364.63 *Effective date.* * * * (d) Amendment No. 4 (§§ 1364.52 (b) (5), (h), 1364.62 (a) (4), and 1364.63 (d)) to Maximum Price Regulation No. 169 shall become effective August 21, 1942. (Pub. Law 421, 77th Cong.)

Issued this 21st day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8179; Filed, August 21, 1942; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 28 Under § 1499.18 (b) of General Maximum Price Regulation—Docket GF3-904]

DACOTAH SEED CO.

For the reasons set forth in an opinion* issued simultaneously herewith, it is ordered:

§ 1499.328 *Adjustment of maximum prices for wholesale sales of binder twine by Dacotah Seed Company of Bismarck, North Dakota.* (a) Dacotah Seed Company, of Bismarck, North Dakota is hereby authorized to sell and deliver, at wholesale, International 600 foot binder twine at a price not exceeding $5.91 per bale of 50 pounds.

(b) The maximum price authorized by this order is subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 28 (§ 1499.328) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 28 (§ 1499.328) shall become effective this 22 day of August, 1942. (Pub. Law 421, 77th Cong.)

Issued this 21st day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8180; Filed, August 21, 1942; 11:56 a. m.]

*Copies may be obtained from the Office of Price Administration.

Chapter XV—Board of War Communications

[Order No. 17]

PART 1714—INTERNATIONAL RADIOTELEPHONE COMMUNICATIONS

CLOSURE OF NON-GOVERNMENTAL POINT-TO-POINT CIRCUITS

Whereas The Board of War Communications has determined that the national security and defense and the successful conduct of the war demand the termination of certain international radiotelephone communications;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 8964 [1] dated December 10, 1941, §§ 1714.1 and 1714.2 (Order No. 15 [2] of July 23, 1942) is hereby modified to read as follows:

It is hereby ordered as follows:

§ 1714.1 *Termination of certain international radiotelephone communications.* From and after the date hereof, (a) No non-governmental business or personal radiotelephone call shall be made to or from any foreign point outside of the Western Hemisphere except England, unless such call is made in the interest of the United States or the United Nations and unless an agency of the United States Government sponsors such call and obtains prior approval therefor from the Office of Censorship: *Provided, however,* That this provision shall not apply to American press calls or radio broadcast programs, or to such other press calls and radio programs as may be specifically approved by the Office of Censorship.

(b) No calls of any nature, over the radiotelephone circuits under the jurisdiction of the United States, no matter where such calls may originate, unless sponsored and approved as provided in paragraph (a), shall be permitted to, from, or on behalf of, the following thirteen countries: Egypt, Finland, France, Iceland, Iran, Ireland, Latvia, Lithuania, Portugal, Spain, Sweden, Switzerland, and Turkey.

(c) Personal calls other than those prohibited in the foregoing paragraphs may be completed between two points in the Western Hemisphere.

§ 1714.2 *Closure of non-governmental point-to-point circuits between the United States and Australia.* All non-governmental point-to-point radiotelephone service between the United States and Australia Be, and it is hereby, designated for termination and, effective midnight August 31, 1942, Is terminated, except as to the transmission of duly authorized radiobroadcast programs.

Subject to such further order as the Board may deem appropriate.

Nothing herein shall apply to existing regulations governing the use of cable, telegraph or radiotelegraph communications.

BOARD OF WAR COMMUNICATIONS,
JAMES LAWRENCE FLY, *Chairman.*

Attest: August 13, 1942.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 42-8153; Filed, August 20, 1942; 3:38 p. m.]

[1] 6 F.R. 6367.
[2] 7 F.R. 5879.

Chapter XVII—Office of Civilian Defense

PART 1900—ORGANIZATION

[Administrative Order 23, Amendment 3]

INSIGNIA

Pursuant to authority granted by Executive Order No. 8757 dated May 20, 1941, as amended, creating the Office of Civilian Defense, the Director of Civilian Defense (hereinafter referred to as the "Director") hereby orders that §§ 1900.1 to 1900.6 of this chapter (Office of Civilian Defense Administrative Order No. 23 dated April 29, 1942,[1]) which confirmed the establishment, within the Office of Civilian Defense, of:

United States Citizens Defense Corps.
United States Citizens Service Corps.
Civil Air Patrol.
Civilian Defense Auxiliary Group.

be further amended by striking out § 1900.6 thereof (section VI of Office of Civilian Defense Administrative Order No. 23), and by substituting for §§ 1900.1 to 1900.5, inclusive, thereof (sections I to V of Office of Civilian Defense Administrative Order No. 23), as heretofore amended, the following:

Sec.
1900.1 Insignia of Office of Civilian Defense and Administrative Staff.
1900.2 United States Citizens Defense Corps.
1900.3 United States Citizens Service Corps.
1900.4 Civil Air Patrol.
1900.5 Civilian Defense Auxiliary Group.

AUTHORITY: E.O. 8757, 6 F.R. 2517; E.O. 9134, 7 F.R. 2887.

[1] 7 F.R. 3785, 4858.

§ 1900.1 *Insignia of Office of Civilian Defense and Administrative Staff*—(a) *Basic insigne.* The basic insigne prescribed for the Office of Civilian Defense shall consist of the letters "CD" in red centered in a white equilateral triangle embossed on a circular field of blue.

(b) *Insignia of Administrative Staff.* The prescribed insignia for the Administrative Staff shall consist of the basic insigne of the Office of Civilian Defense, which, when used by persons employed or appointed in any capacity in the Washington office and Regional Offices of the Office of Civilian Defense, may be superimposed on the letters "US", and when used by members of State Defense Councils or Local Defense Councils, or Committees thereof, including the local Civilian Defense Volunteer Office, or persons who are employed or appointed by such Committees as staff members or employees, may be used together with the name, or abbreviation of the name, of the particular State or community.

(c) *"CD" insignia.* The use of the letters "CD" alone and not in connection with prescribed insignia of the Office of Civilian Defense or any branch or unit thereof is restricted to arm bands for registered trainees for the United States Citizens Defense Corps.

§ 1900.2 *United States Citizens Defense Corps*—(a) *Units.* The United States Citizens Defense Corps (hereinafter referred to as the "Defense Corps") consists of units composed of enrolled members in (1) the protective services engaged in civilian defense now established and hereinafter specified, (2) additional protective services engaged in civilian defense from time to time established as units of the Defense Corps pursuant to order of the Director, (3) services related to the protective services engaged in civilian defense now or hereafter established as such by order of the Director, including chaplains. The protective services engaged in civilian defense now established are:

(i) Staff Unit.
(ii) Air Raid Wardens Unit.
(iii) Auxiliary Police Unit.
(iv) Auxiliary Firemen Unit.
(v) Fire Watchers Unit.
(vi) Demolition and Clearance Unit.
(vii) Road Repair Unit.
(viii) Rescue Unit.
(ix) Decontamination Unit.
(x) Medical Unit.
(xi) Nurses' Aides Unit.
(xii) Drivers Unit.
(xiii) Messengers Unit.
(xiv) Emergency Food and Housing Unit.
(xv) Utility Repair Unit.
(xvi) Instructors Unit.

(b) *Insignia.* The insignia for the aforesaid units of the Defense Corps are prescribed in § 1902.1 (c) of this chapter (Section 1 (c) of Office of Civilian Defense Regulations No. 2), and the use and wear of prescribed insignia shall be governed by the aforementioned section and all other rules, regulations, orders, and instructions of the Director.

(c) *Supervision.* The Defense Corps is under the supervision of the Office of Civilian Defense, Protection Branch, which is headed by an assistant director appointed by and responsible to the Director.

§ 1900.3 *United States Citizens Service Corps*—(a) *Membership and organization.* The United States Citizens Service Corps (hereinafter referred to as the "Service Corps") shall consist of members engaged in voluntary community war activities approved by the respective Local Defense Councils, except such as are related to protection against enemy attack and therefore are activities of the Defense Corps.

(b) *Insigne.* The insigne for the Service Corps is prescribed in § 1902.1 (c) of this chapter, and the use and wear of the prescribed insigne shall be governed by the aforementiond section and all other rules, regulations, orders, and instructions of the Director.

(c) *Supervision.* The Service Corps shall be under the supervision of the Office of Civilian Defense, Mobilization Branch, which shall be headed by an assistant director appointed by and responsible to the Director.

§ 1900.4 *Civil Air Patrol*—(a) *Units.* The Civil Air Patrol consists of units composed of volunteer members engaged in civilian air activities, including the performance of such missions as shall be requested by the United States Army or Navy or other departments or agencies of the United States Government, such as observation and patrol flying, courier service, ferry service, forest patrol, and other types of activity prescribed by the Director and appropriate to be performed by the Civil Air Patrol.

(b) *Insignia.* The insignia for the Civil Air Patrol are prescribed in § 1902.1 (c) of this chapter (Section 1 (c) of Office of Civilian Defense Regulations No. 2), and the use and wear of the prescribed insignia shall be governed by the aforementioned section and all other rules, regulations, orders, and instructions of the Director.

(c) *Supervision.* The Civil Air Patrol is under the supervision of the Office of Civilian Defense and is headed by the National Commander of the Civil Air Patrol appointed by and responsible to the Director.

§ 1900.5 *Civilian Defense Auxiliary Group*—(a) *Personnel.* The Civilian Defense Auxiliary Group hereinafter referred to as the "Auxiliary Group") includes certain classes of persons whose duties require them to be on the streets during air raids and air raid drills, but who have no special civilian defense training as required for members of the Defense Corps or the Civil Air Patrol. Certain classes of persons who may be included in the Auxiliary Group will be designated from time to time by order of the Director; but additional classes of persons may, subject to rules, regulations, or orders to be issued by the Director, be authorized by Local Defense Councils to be included in the Auxiliary Group, entitled to use and wear its insigne.

(b) *Insigne.* The insigne for the Auxiliary Group is prescribed in § 1902.1 (c) of this chapter (Section 1 (c) of Office of Civilian Defense Regulations No. 2), and the use and wear of the prescribed insigne shall be governed by the aforementioned section and all other rules, regulations, orders, and instructions of the Director. Use and wear of such prescribed insigne shall be governed by regulations to be issued by the Director. It shall be unlawful for any person to wear such insigne except in accordance with the rules, regulations, orders, and instructions of the Director. Persons in the Auxiliary Group shall not wear or use pins or lapel buttons embodying the prescribed insigne, but may use automobile plates or stickers, and during blackouts, practice blackouts, air raids, or air raid drills, while actively engaged in the performance of duties, or while in transit to or from their places of duty, may wear arm bands or brassards.

(c) *Supervision.* Persons in the Auxiliary Group shall be under the supervision and direction of the Local Defense Councils, subject to further order of the Director.

[SEAL] JAMES M. LANDIS,
Director of Civilian Defense.

AUGUST 21, 1942.

[F. R. Doc. 42-8177; Filed, August 21, 1942; 11:46 a. m.]

PART 1900—ORGANIZATION

ESTABLISHMENT OF FOREST FIRE FIGHTERS SERVICE

[Administrative Order 27 Amendment 1]

Pursuant to authority granted by Executive Order No. 8757 dated May 20, 1941, as amended by Executive Order No. 9134 dated April 15, 1942, and Executive Order No. 9165 dated May 19, 1942, the Director of Civilian Defense hereby orders that §§ 1900.10 to 1900.12 of this chapter (Office of Civilian Defense Administrative Order No. 27 [1]), confirming the establishment of the Forest Fire Fighters Service, be amended by striking out § 1900.10 thereof (Section 1 of Office of Civilian Defense Administrative Order No. 27), and substituting therefor the following:

§ 1900.10 *Purpose.* The Forest Fire Fighters Service has been established in accordance with the policy of the Facility Security Program of the Office of Civilian Defense, to assist in safeguarding forest lands and other timber facilities and resources, to aid in prevention and suppression of fires which might endanger such facilities and resources, and to minimize the effects of any such fires. Its functions shall be to aid in nationwide forest fire prevention education and to enroll volunteer fire fighters for serv-

[1] 7 F.R. 5463.

ice in forest and rural areas. It shall cooperate with the forest fire protection agencies of the Department of the Interior and the Department of Agriculture, with State forestry officials and private forest fire protective organizations.

(E.O. 8757, 6 F.R. 2517; E.O. 9134, 7 F.R. 2887; E.O. 9165, 7 F.R. 3765)

[SEAL] JAMES M. LANDIS,
Director of Civilian Defense.

AUGUST 21, 1942.

[F. R. Doc. 42-8178; Filed, August 21, 1942; 11:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—RULES GOVERNING SHIP SERVICE

REQUIREMENTS OF EMERGENCY OR RESERVE INSTALLATION

The Commission on August 18, 1942, effective September 18, 1942, adopted the following paragraph (l) to § 8.115[1] *Requirements of emergency or reserve installations.* * * *

(l) A reliable artificial antenna shall be provided for use in testing the emergency transmitter for effective operation on the frequency 500 kc. and shall be capable of permitting this operation at not less than 70 per cent of the normal antenna current without endangering or damaging, from excessive voltage or current, any component of the transmitter and artificial antenna. In the event circuit arrangements permit connection of the artificial antenna to the main transmitter or any other transmitter, of higher power than is normally supplied to the artificial antenna by the emergency transmitter, the artificial antenna then shall be capable either of reliable operation at the highest power with which it can be supplied or shall be adequately protected against damage due to excessive voltage or current. The artificial antenna shall be available, at all times while the vessel is in a harbor or port, for immediate and convenient use with the emergency transmitter. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-8164; Filed, August 21, 1942; 9:14 a. m.]

Notices

WAR DEPARTMENT.

APPOINTMENT OF CHAPLAINS IN REGULAR ARMY

(1) In order to fill existing and prospective vacancies by appointment in the Corps of Chaplains, Regular Army, a selection board will be convened by the War Department December 1 to December 5, inclusive, 1942. Appointments will be made under the provisions of AR 605-30 except that any provisions of those regulations in conflict with this circular are suspended.

(2) Eligibility requirements will be as prescribed in paragraph 4, AR 605-30. Chaplains of the Army of the United States, who shall not have reached their 34th birthday at the time of their entrance upon extended active duty and who have been upon such duty for a continuous period of 6 months or more on the date of application may apply.

(3) Formal application on W.D., A.G.O. Form No. 62 (Application for Commission in the Regular Army) with recommendation and comments as to moral character and general fitness by the commanding officer, accompanied by certified transcript of college and seminary record, proper ecclesiastical indorsement and completed W.D., A.G.O. Form No. 63 (Report of Physical Examination), will be submitted through channels so as to reach The Adjutant General not later than December 1, 1942. Applications received after that date will not be considered. The Office of the Chief of Chaplains will endeavor to secure the ecclesiastical indorsement and college and seminary record for those applicants serving outside the continental limits of the United States.

(4) Personal appearance of the applicant before the board is not contemplated nor will a written thesis be required. Selection will be based upon the evidence submitted by the applicant and such other data as may be available to the board.

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-8162; Filed, August 20, 1942; 5:11 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-341]

WHEELING VALLEY COAL CORP. ET AL.

ORDER POSTPONING HEARING

In the matter of the petition of Wheeling Valley Coal Corporation, Cove Hill Coal Company and The Buffalo Coal and Coke Company, code members in District No. 6, for a reduction in the effective minimum prices for Ex-River Shipments into Market Areas 11, 12 and 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

A hearing in the above-entitled matter having been scheduled to be resumed at Washington, D. C., on August 24, 1942; and

Petitioners having moved that such resumption of hearing be postponed until October 5, 1942, alleging that counsel for petitioners has been consulted by counsel for several of the District Boards who are parties to the proceeding all of whom have stated that the time set will cause them inconvenience; and

It appearing advisable that the resumption of such hearing be postponed until October 13, 1942;

Now, therefore, it is ordered, That the resumption of the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of August 24, 1942, until 10 o'clock in the forenoon of October 13, 1942, at a hearing room of the Bituminous Coal Division, 734 15th Street, N.W., Washington, D. C.

It is further ordered, That the time for filing petitions for intervention be and it hereby is extended from August 24, 1942, to October 8, 1942.

In all other respects the Notice of Resumption of Hearing issued in this matter on August 5, 1942, shall remain in full force and effect.

Dated: August 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8173; Filed, August 21, 1942; 11:43 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

ORDER AUTHORIZING SOLICITOR AND ASSOCIATE SOLICITORS OF THE DEPARTMENT OF AGRICULTURE TO AUTHENTICATE DOCUMENTS OF THE DEPARTMENT

The Solicitor (and, in the absence of the Solicitor, the Acting Solicitor) and the Associate Solicitors (and, in the absence of the Associate Solicitors, the Acting Associate Solicitors) of the Department of Agriculture are hereby authorized severally to authenticate, under the seal of the Department of Agriculture, pursuant to R.S. 882, as amended by sec. 6 (a), 48 Stat. 1109; 28 U.S.C., 1940 ed., 661, copies of any books, records, papers, or other documents, or any books or records of account in whatever form, or minutes (or portions thereof) of proceedings, or copies of such books, records of account, or minutes, in the Department of Agriculture. It is directed that, upon each such authenticated copy or original, as the case may be, there shall appear a recital that such copy or original has been authenticated and the seal of the Department of Agriculture affixed thereto by the direction of the Secretary of Agriculture. It is further directed that each certificate of authentication shall bear the genuine signature of the person executing such certificate.

This order supersedes the order dated January 8, 1942 (7 F.R. 188), authorizing the Solicitor and Assistant Solicitors to authenticate documents.

Done at Washington, D. C., this 19th day of August, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-8149; Filed, August 20, 1942; 3:12 p. m.]

[1] 6 F.R. 625; 7 F.R. 3249.

CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS FRIDAY, JULY 31, 1942

Important. The apportioned classified Civil Service includes central offices physically located in Washington, D. C., or elsewhere. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

IN ARREARS

State	Number of positions to which entitled	Number of positions occupied
1. Virgin Islands	20	0
2. Puerto Rico	1,494	57
3. Hawaii	338	25
4. Alaska	58	13
5. California	5,520	1,708
6. Louisiana	1,689	761
7. Michigan	4,200	1,708
8. Arizona	399	203
9. Texas	5,126	2,679
10. Kentucky	2,274	1,257
11. Georgia	2,496	1,426
12. Alabama	2,264	1,321
13. Ohio	5,520	3,343
14. South Carolina	1,518	963
15. Mississippi	1,745	1,114
16. Nevada	88	59
17. Arkansas	1,558	1,066
18. North Carolina	2,854	2,031
19. Indiana	2,739	2,051
20. New Jersey	3,324	2,511
21. Oregon	871	674
22. Tennessee	2,330	1,825
23. Illinois	6,311	5,097
24. Washington	1,387	1,137
25. Florida	1,516	1,260
26. New Mexico	425	357
27. Idaho	419	352
28. Connecticut	1,366	1,149
29. Delaware	213	181
30. Wisconsin	2,507	2,141
31. Vermont	287	268
32. Rhode Island	570	536

IN EXCESS

33. Missouri	3,024	3,068
34. Utah	440	450
35. Pennsylvania	7,911	8,284
36. West Virginia	1,520	1,622
37. Massachusetts	3,449	3,694
38. Maine	677	738
39. New Hampshire	393	430
40. Oklahoma	1,867	2,247
41. Iowa	2,028	2,536
42. Montana	447	559
43. Colorado	898	1,150
44. Minnesota	2,231	2,867
45. Wyoming	200	267
46. New York	10,771	14,972
47. No. Dakota	513	746
48. Kansas	1,439	2,163
49. Virginia	2,140	3,541
50. South Dakota	514	920
51. Nebraska	1,051	2,031
52. Maryland	1,455	3,926
53. District of Columbia	530	11,640

Gains	5,447
Losses	777
Total appointments	107,124

NOTE.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934 22,804

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director, and Chief Examiner.

[F. R. Doc. 42-8143; Filed, August 20, 1942; 2:03 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-109, G-112]

NATURAL GAS PIPELINE CO. OF AMERICA, ET AL.

ORDER POSTPONING HEARING

AUGUST 20, 1942.

Illinois Commerce Commission, complainant, *v.* Natural Gas Pipeline Company of America and Texoma Natural Gas Company, defendants. In the matter of Natural Gas Pipeline Company of America and Texoma Natural Gas Company.

It appearing to the Commission that: (a) By its order of June 26, 1942, the Commission ordered that the hearing in the above-entitled matters be resumed on August 24, 1942, in accordance with the terms and purposes of the Commission's orders of October 14, 1938 and April 14, 1939;

(b) Good cause exists for the postponement of the hearing in the above-entitled matters:

The Commission *orders* that: The resumption of the hearing heretofore set by the Commission's order of June 26, 1942, to commence on August 24, 1942, be and the same is hereby postponed, subject to further order of the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-8163; Filed, August 21, 1942; 9:14 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 28 Under Maximum Price Regulation 120 [1]—Bituminous Coal Delivered From Mine or Preparation Plant—Docket 3120-81]

SHAY COAL COMPANY

ORDER GRANTING ADJUSTMENT

On June 6, 1942, the Shay Coal Company, Kingwood, West Virginia, filed a petition for adjustment or exception, pursuant to § 1340.207 of Maximum Price Regulation No. 120.

Due consideration has been given to the petition and an opinion in support of this Order No. 28 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

(a) Shay Coal Company may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver by all methods of transportation except truck or wagon, the bituminous coal described in paragraph (b) at prices not in excess of those stated therein. Any person may buy and receive and agree, offer, solicit, and attempt to buy and receive such bituminous coal so shipped at such prices from the Shay Coal Company.

(b) Coals produced at the Shay No. 2 Mine (Mine Index No. 169) of the Shay Coal Company, located in Preston County, West Virginia, District No. 3, for all shipments except truck, may be sold at prices not to exceed $2.30 per ton in Size Group 6, $2.30 per ton in Size Group 7, and $2.15 per ton in Size Group 9.

(c) This Order No. 28 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 28 shall become effective August 22, 1942.

Issued this 21st day of August, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8181; Filed, August 21, 1942; 11:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-589]

MIDLAND UNITED COMPANY, TRUSTEES

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 19th day of August, A. D. 1942.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than September 3, 1942 at 5:30 p. m. E. W. T., request

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607.

[2] 7 F.R. 971, 3663.

the Commission in writing that a hearing be held on such matter stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration as filed or as amended may become effective or may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such requests should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of said Commission for a statement of the transactions therein proposed, which is summarized below:

The Trustees of Midland United Company, a registered holding company, propose to make a capital contribution to Indiana Railroad, a wholly owned, direct, non-utility subsidiary of Midland United Company. The total amount of the capital contribution proposed is $7,093,910.08, in the form and amounts as follows:

Open Account Indebtedness of Indiana Railroad to Midland United Company	$6,223,600.31
Fourteen Demand Promissory Notes of Indiana Railroad issued to Midland United Company during 1932 (aggregate face amount)	302,132.13
Two Demand Promissory Notes of Indiana Railroad payable to Public Service Company of Indiana and endorsed for transfer to Midland United Company (aggregate face amount)	176,932.10
Reduction in principal amount of Demand Promissory Note of Indiana Railroad payable to Midland United Company, issued December 31, 1931 presently in the face amount of $1,111,245.54 (amount of reduction)	391,245.54
Total	7,093,910.08

Upon the consummation of the proposed capital contribution as above described, the capitalization of Indiana Railroad will consist of 500 shares of common stock, no par value, with an aggregate stated value of $500 and a demand promissory note of Indiana Railroad payable to the order of Midland United Company, dated December 31, 1931, in the principal amount of $720,000. As at June 30, 1942 the balance sheet of Indiana Railroad indicated a net worth of $560,545.82.

The filing further indicates that upon the consummation of the capital contribution, Midland United Company proposes to sell to Wesson Company, a non-affiliate, the entire remaining capitalization of Indiana Railroad for a cash consideration of $650,000 to be payable $200,000 in cash and the balance in three equal annual installments beginning September 1, 1943.

The declarant has indicated certain sections of the Act and certain Rules as being applicable to the proposed transactions, including section 12 (b) and Rule U-45.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-8150; Filed, August 20, 1942; 3:38 p. m.]

[File No. 1-2577]

BELGIAN NATIONAL RAILWAYS CO.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of August, A. D. 1942.

In the matter of Belgian National Railways Company participating preferred stock, Series C to J, par value 500 Belgian francs; and American Shares each representing five shares of participating preferred stock, Series C to J.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the above-mentioned securities of Belgian National Railways Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Monday, September 21, 1942 at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-8151; Filed, August 20, 1942; 3:38 p. m.]

[File No. 70-587]

POTOMAC ELECTRIC POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of August, A. D., 1942.

Potomac Electric Power Company, a public utility company and a subsidiary of Washington Railway and Electric Company, a registered holding company, and a subsidiary of The North American Company, a registered holding company, having on August 5, 1942 filed an application or declaration (or both) with this Commission pursuant to the Public Utility Holding Company Act of 1935 and particularly section 6 (b) and Rule U-50 promulgated under the provisions of said Act, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act; and the application or declaration (or both) being concerned with the proposed issue and sale at competitive bidding by Potomac Electric Power Company of $5,000,000 principal amount of its First Mortgage Bonds, 3¼% Series due 1977, due August 1, 1977; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application or declaration (or both) and that said application shall not be granted or said declaration shall not become effective except pursuant to the further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the Rules and Regulations thereunder be held on August 26, 1942 at 11:00 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day, the hearing-room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such applicant or declarant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file notice to that effect with the Commission on or before the date of the hearing.

It is further ordered, That without limiting the scope of issues presented by said application or declaration, particular attention will be directed at said hearing to the determination of whether any terms or conditions in the interest of investors or consumers should be imposed upon the applicant.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-8152; Filed, August 20, 1942; 3:39 p. m.]